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REPUBLIC OF THE CONGO

(LEOPOLDVILLE)

The Adoula-Tshombe Talks

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**Second White Paper
Of The Central Government
On The Katanga Crisis**



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The talks between Prime Minister Cyrille Adoula of the Central Congolese Government and Moise Tshombe, President of the Province of Katanga (now known as South Katanga), took place at Kitona and Leopoldville from December, 1961, to June, 1962.

They were undertaken on the initiative of Mr. Tshombe who found himself in the month of December confronted with a particularly critical military situation. In point of fact, Katanga and its rulers were on the verge of a defeat so complete it would have put an end to the Katangan secession once and for all.

The initiative was welcomed with pleasure and relief by all who hoped to see a peaceful solution to the Katanga crisis.

As far as the Central Government was concerned, it was most anxious to end as soon as possible a fratricidal war, the continuation of which would have placed it before particularly difficult responsibilities.

The Central Government had tried by all its means to avoid the test of strength with Katanga and had only decided upon such a course of action as a last resort. It had never ceased to proclaim its desire to resume, far from the crackle of gunfire, the conversations with the secessionist province of Katanga.

That is why the Central Government also welcomed the proposal of President Tshombe with extreme satisfaction, despite the scepticism of government leaders as a result of repeated experiences with the duplicity and bad faith of the Katangan rulers.

The desire to put an end to blood-letting in a province that had suffered so much since independence, as well as the hope of effecting a fraternal reconciliation with the Katanga rulers outweighed all other considerations.

Prime Minister Adoula of the Central Government decided to accept Mr. Tshombe's request and therefore to run the risk of placing his confidence in Mr. Tshombe's expressed desire to negotiate on a legal basis the reintegration of the province of Katanga into the Congo State.

Now, after six months of patient but fruitless efforts, the Central Government has had its worst fears confirmed.

The conversation which Prime Minister Adoula opened with the Katanga leaders at their own request have led nowhere and the blame is easy to assess.

Over and over again, the Central Government has been shown that the

Katanga leaders do not have, and never had, any real desire to negotiate.

Over and over again, the Central Government has been shown that the conciliatory attitudes of the Katangan leaders and their expressed wish to negotiate, do not correspond, and never really corresponded, to their true intentions.

The truth is that the Katanga leaders during the talks at Kitona and at Leopoldville were pursuing a single aim: that of getting from the Central Government, directly or indirectly, recognition of the so-called "Independent State of Katanga". That is what Mr. Tshombe and his colleagues really want when they proclaim their desire "to negotiate with the Central Government".

It is equally true that throughout all these talks the Katanga leaders did not care a whit about arriving at a real solution by means of reciprocal concessions. It was a matter of complete indifference to them whether the talks resulted in any positive results. The only important thing for them was that the talks take place and that they last long enough to permit the reinforcement and consolidation of the positions of an independent Katanga which had been markedly compromised by the military operations of September and December 1961.

Indeed, the truth is that the apparent concessions offered by the Katanga leaders during different phases of the talks were only designed to mislead public opinion and to render the position of the Central Government more difficult and more complicated.

Effectively, the Central Government could not call into question the intentions of the Katanga leaders, nor denounce their duplicity and bad faith, without providing overriding and formal proofs of the accusations. It is for that reason that the Katanga leaders tried for as long as possible to maintain an ambiguous position which could seem to be conciliatory.

Nonetheless, the Central Government was convinced that President Tshombe and his colleagues would be obliged sooner or later to unmask their real aims and thus fall into the trap they had set.

Today, so much proof of this has accumulated that doubt is no longer possible.

That is why the Central Government has decided to publish this White Paper which will show how and why its attempt to arrive at a peaceful solution to the Katanga crisis has been exploited by the leaders of that province.

A careful and documented analysis is herein devoted to their devices for appeasing public opinion and for preventing retaliatory action by the Central Government, by making it impossible for the Government to call a halt to the talks without accepting the responsibility for the rupture - this, in the absence of formal proof of so difficult a thing to prove as bad faith.

Not a single accusation is made against the Katanga leaders which is not precise and backed by the documents published in the annex to this Paper.

The world must know just how much credence can be placed in the assurances and promises of the Katanga leaders.

The world must also realize that the Central Government's demonstrated patience has not diminished its determination to solve the Katanga crisis by all means within its power.

The Central Government knows that it is within its rights. The strength it has from the legality of its position, from the support of the Congolese people, the independent nations of Africa and all those who believe in justice makes it unnecessary for it to resort to the methods generally employed by the Katanga leaders.

The Central Government has nothing to fear from the truth, which it is publishing in this White Paper in its entirety.

November, 1962

PART ONE

THE KITONA TALKS

THE KITONA AGREEMENT

The Kitona talks, which opened the long series of conversations between Prime Minister Adoula and Provincial President Tshombe, took place on December 19, 20 and 21.

On Dec. 18, Joseph Ileo, Minister of Information in the Central Government, held a press conference in Leopoldville in which he made clear in a very firm declaration that the Fundamental Law was the sole basis on which to found the negotiations. (Annex 1)

On the same date, U Thant, Acting Secretary General of the United Nations, ordered United Nations forces in Katanga to halt military operations, despite a promise (*) to the contrary to the Central Government, for the duration of the talks.

On December 19, the delegations of the Central Government and of the provincial government of Katanga arrived at Kitona. The Government delegation, headed by Prime Minister Adoula was comprised of Justin M. Bomboko, Minister of Foreign Affairs; Christophe Gbenye, Interior Minister, and Remy Mwamba, Minister of Justice.

* As a courtesy, the Central Government imparted to the UN the text of the present White Paper. In a desire for objectivity, we are quoting below from the note of an authorized UN representative, Brian E. Urquhart, Principal Officer in the Office of the Under Secretary for Special Political Affairs, concerning this passage: "We assume that the allusion to 'the promise made to the Central Government' is connected with a declaration made by Dr. Bunche to Prime Minister Adoula in Leopoldville before the Kitona talks, and according to which the UN would continue its operations in Elisabethville. The command given to UN troops to refrain from using their arms, given at a later date in Elisabethville, was in no way in conflict with this assurance, since it was given only after all the UN military objectives had been attained. Furthermore, it should be mentioned that the UN was led to a state of hostilities in Elisabethville only as a measure of self-defense when the Gendarmerie tried to cut its vital lines of communication. When the order to refrain from shooting was applied, the UN troops had seized all check-points in Elisabethville. With the exception of African districts, which they had no reason to penetrate, they held all strategic points of the region, from which, moreover, the Gendarmerie had practically disappeared. In other words, the United Nations Force did all it could, within the scope of its mandate, in the region of Elisabethville last December. Moreover, the number of its troops the transportation and supplies at its disposal would not have enabled it to do more."

The Katanga delegation was headed by Provincial President Tshombe and included Jean Baptiste Kibwe, Provincial Minister of Finance, Odilon Mwenda, so-called "Resident Minister" in Brussels and Justin Meli, Mr. Tshombe's executive assistant.

The two delegations met December 20 and began their talks in an extremely cordial atmosphere.

On December 21, the talks had already reached a partial but nonetheless positive result. On that date, Provincial President Tshombe signed two documents. The first, commonly called "The Kitona Agreement" (Annex 2) sets forth eight points, each of which involves him personally.

Under the first and most important of these eight points, the President "accepts the application of the Fundamental Law of May 19, 1960." The following seven points are little more than an enumeration of the various consequences of the first.

The second document is a letter written by President Tshombe to Ralph Bunche, Under Secretary General of the United Nations, in which Mr. Tshombe transmitted the Kitona Agreement. This document enunciates certain reservations on the part of Mr. Tshombe and explains his state of mind when he signed the Kitona agreement. (Annex 3).

It must be emphasized at this point that there is nothing in the form of these two documents which obliges one to consider them as being linked. President Tshombe signed the document setting forth the eight points of Kitona without attaching any qualifications.

As a result, it would be legitimate to consider the letter to Mr. Bunche as a first attempt to go back on the agreement. However, Mr. Tshombe did express similar reservations during the talks of December 20, so that it is legitimate to believe that for Mr. Tshombe the two documents were considered as related. This changes in no way, as we shall see, the inherent bad faith displayed by Mr. Tshombe.

LEGAL SCOPE OF THE KITONA AGREEMENT

An analysis of the two documents signed by Mr. Tshombe leads to two interpretations.

On the one hand, and this is the viewpoint of the Central Government, the Katanga secession can be considered the result of the operations of a political faction, skillfully maneuvered by foreign interests and determined to remain in power even at the price of continuous civil war among the people of Katanga. In

that case, it is evident that Mr. Tshombe's signature ended *ipso facto* the Katanga secession and demonstrated the will of the rebel faction to employ henceforth a policy in accord with Congolese law and the wishes of the people of Katanga. Under that interpretation, also, Mr. Tshombe's desire for a mandate from the Provincial Assembly of Katanga becomes obviously a delaying tactic.

On the other hand, despite the seriousness of such an affirmation, Katanga could be considered as an independent state "in fact" which represents an important percentage of the Katanga people. But, in that event, Mr. Tshombe made very precise engagements when he signed the two documents. These are defined in his own words in his letter to Mr. Bunche: "to consult the competent authorities of Katanga" on the content of a declaration he had accepted and was thus going to defend and then "to inform the Central Government of the steps to be taken with a view to the application of the enclosed declaration."

In assuming these obligations, President Tshombe was forced to admit that his inconsidered policies had brought his "Katanga people" to the brink of the abyss and that his signature of the Kitona agreement meant that he accepted as chief of state the consequences of his policies no matter how painful that might be.

From that time onward, he was committed to defend in good faith the substance of the Kitona Agreement before his Katanga Assembly and to resign if that body did not back him.

However, hardly had Mr. Tshombe arrived in Katanga than the Elisabethville government began to pour forth a series of inaccurate declarations designed to discredit the agreement and to nullify its execution. (*)

These declarations, which will be examined later, quickly took on the character of veritable attacks against the substance of the Kitona Agreement and against the Central Government itself.

Thus, Mr. Tshombe doubly went back on his word. He had promised to accept the Fundamental Law and he had pledged to defend wholeheartedly the Kitona Agreement before the Katanga Assembly.

Even under the most favorable interpretation, it must be admitted that Mr. Tshombe did not live up to his word given at Kitona.

THE KITONA AGREEMENT AND KATANGAN EQUIVOCATION

The preceeding considerations, based exclusively on the legal content of the two documents signed by Mr. Tshombe at Kitona on December 21, do not take into account the real intentions of the Katanga leader.

(*) Typical of these declarations is the statement to the press by Mr. Evariste Kimba in Brussels, December 28, 1961. (Annex 4).

The truth is that Mr. Tshombe did not wish to act as the head of a secessionist state, because in that event, he feared a renewal of military operations which would finish once and for all the disorders in his province. Nor did he wish to act as the head of the Katanga Provincial Government, because that would have ended immediately the so-called "Independent State of Katanga" whose existence he continued to defend violently.

Mr. Tshombe was only concerned with casting a cloak of ambiguity on his positions and true intentions in order to gain time to reinforce and consolidate the Katanga secession which, at that moment, was severely menaced.

Mr. Tshombe maintained this equivocal attitude, as we shall see, throughout the Katanga negotiations, as well as in the period which followed.

KATANGAN EQUIVOCATIONS DURING NEGOTIATIONS

There have been so many inexact versions of the Katanga negotiations and, on the part of Katanga leaders, so many tendentious interpretations and untruthful attacks that it is necessary to recall the actual events exactly and in their true perspective.

The position of the Central Government was clear, precise and conciliatory, since in exchange for Katangan recognition of the Fundamental Law it was ready to guarantee the drafting with minimal delay of a new constitution better adapted to the desires of the country and the presentation of this document to Parliament. The position of the Katanga delegation was continuously unstable, fluctuating and equivocal.

The Katanga delegation at first insisted that the adoption of a new constitution must precede the reintegration of Katanga within the Congolese nation. In essence, that meant going back to the procedure of the Tananarive Conference (*) where "the de facto powers of the former Belgian Congo" tried vainly to build the Congolese state on new bases.

The Congolese delegation insisted that a certain juridical continuity must be maintained and that the point of departure should thus be the Fundamental Law, no matter how imperfect it might be. To act otherwise would allow might to make right.

The Congolese delegation further emphasized that, aside from South Katanga, all the other regions of the Congo, even Bas-Congo and South Kasai, where the desire for internal autonomy is at least as strong as in Katanga, had agreed to follow the path outlined by the Central Government which alone was truly democratic. (Annex 5)

(*) March, 1961

When the second meeting of the morning started, the Katanga delegation had adopted a new position.

This represented such a major advance over the first position that the delegation of the Central Government could legitimately foresee a satisfactory and fraternal solution during the negotiations. What the Katangans offered was an agreement in principle to remain within the law and to recognize the Fundamental Law, the sole condition being that, in order to assuage public opinion in Katanga, the delegation of Katanga asked to pick out beforehand those articles of the Fundamental Law it wanted changed immediately without waiting for the adoption of a constitution. (Annex 6)

This reservation posed no problems since the Central Government had insistently urged the Katanga leaders to send the Katangan deputies and senators to Parliament in Leopoldville so that these representatives of the Katanga people might present their ideas on the necessity for and direction of a constitutional change.

At this moment, Katanga's secession could be considered practically liquidated.

Nevertheless, a few minutes later, the Katanga delegation raised another problem and demanded that the Central Government make a formal renunciation of the use of force in Katanga.

The Central Government answered that it would like nothing better but that it should not be forgotten that the United Nations had a mandate to carry out and that it was not up to the Central Government to prevent this. However, if the Katanga leaders accepted the Fundamental Law and placed the Katangan gendarmerie under the orders of President Kasavubu, the Central Government would undertake an immediate effort for a cease-fire in Katanga and expressed confidence in its ability to obtain it. (Annex 6)

The position of the Central Government was clear, fair and strictly within the framework of the agreement in principle reached during the second meeting of the morning. Nevertheless, there were ever-increasing hesitations, reticences and reservations on the part of the Katanga delegation.

In order to clear the matter up, Mr. Bomboko offered a draft declaration for Mr. Tshombe's signature. (Annex 7) The latter then adopted a new and totally unexpected position: although he himself had called for the negotiations, he now insisted that he was not authorized to make any commitments.

The meeting was again adjourned.

DIFFERENT DRAFTS OF THE FINAL DECLARATION

The history of the different drafts of the final declaration has given rise to many unfair and untruthful Katanga versions in which an appearance of accuracy cloaks brash cynicism and systematically deforms or ignores the facts.

The most elaborate version is without doubt the one presented to the press by Evariste Kimba, so-called Minister of Foreign Affairs of the Katanga Government, in Brussels, December 28, 1961. (Annex 4)

In particular, the following passage is worth close examination.

"So President Tshombe was able to inform his entourage that the meeting was progressing in a fraternal atmosphere, but the situation changed radically after the Ambassador of the United States, Edmund A. Gullion, met with Mr. Adoula during an adjournment of the meeting. The latter suddenly stiffened his position and tried to force Mr. Tshombe to sign a document which was in effect a pure and simple declaration of allegiance by Katanga to the Central Government. (This document is presented in Annex I) (*)

"President Tshombe refused to sign and offered his own document. (Presented in Annex II) (**)

"It will be noted in passing that President Tshombe is living up to the agreements to which he freely subscribed; but his own text was rejected by Mr. Adoula when Ambassador Gullion intervened once more. The negotiations were deadlocked and Mr. Tshombe decided to return to Elisabethville. It was then that the representatives of the American State Department and the United Nations intervened in a dictatorial manner. Ambassador Gullion proposed an eight-point text which went far beyond the positions adopted by Mr. Adoula and Mr. Bomboko at the start of the conference. (This text is presented in Annex III) (***)

"President Tshombe refused categorically to sign this act of surrender. Ambassador Gullion intervened and bluntly informed the President that either he signed or Katanga would be wiped out."

This text is a tissue of lies as is proved by the extracts of the verbatim records published as annexes.

Mr. Kimba speaks of three draft declarations. This is not accurate. As a matter of fact, there were four (Annexes 7, 8, 2 and 9). The fact that the second

draft is identical with the first except for the removal of the last two paragraphs does not alter the matter, since it represented a major concession on the part of the Central Government.

Mr. Kimba claims that the first draft was presented by Mr. Adoula after he "suddenly stiffened his position" following an adjournment, during which he is supposed to have been "influenced by the Ambassador of the United States, Edmund A. Gullion".

This is doubly inaccurate.

First of all, the draft was presented by the Central Government at the end of the first morning session, which opened with the agreement in principle described above. Since that meeting was held behind closed doors and Ambassador Gullion was not present, it is evident that the draft was presented for Mr. Tshombe's signature after a stiffening in the latter's attitude.(*)

In addition, the second draft presented by the Central Government after the suspension requested by President Tshombe was even more moderate and conciliatory than the first one.

Mr. Kimba also asserts that the Katanga counterproposal was introduced immediately after the governmental draft.

This is equally inaccurate.

The order in which the drafts were presented is as follows: the two rough drafts of the Central Government, the draft containing the "eight points of Kitona," and finally the Katanga proposal.

Mr. Kimba's accusations about the substance of the drafts do not stand up under examination.

The first draft was far from being "a pure and simple declaration of allegiance by Katanga to the Central Government". No mention is made of the final structure of the Congolese State and the need to modify the Fundamental Law is expressly recognized. As a matter of fact, it was designed solely to get the Katanga leaders to take the steps necessary to end the Katanga secession in line with the agreement in principle reached at the beginning of the second session of the morning.

The second draft, which had the practical aim of confining those steps to a single one: that of putting the Katangan gendarmerie under the orders of President Kasavubu in order to end the fratricidal war, constituted a particularly moderate and conciliatory statement of the Central Government's thesis. Nevertheless, this draft was also rejected by the Katanga delegation, which retreated to its third position - that it had not been authorized to enter into any precise agreement. (Annex 10)

(*) The verbatim records of this meeting, published in extenso in Annex 6 clearly illustrate this development.

(*) See Annex 7 of this White Paper

(**) See Annex 9 of this White Paper

(***) See Annex 2 of this White Paper

REBUTTAL OF MR. KIMBA'S ARGUMENTS

The other accusations advanced by Mr. Kimba are so completely without foundation that there is little need to examine them.

Ambassador Gullion's presence at Kitona was a direct result of Mr. Tshombe's insistence and had no influence on the result of the discussions. (*)

It has been shown above that the first two drafts were prepared by the Central Government without outside aid. The third draft, which was introduced at a time when Dr. Bunche and Mr. Gullion had been invited to take part in the discussions because they were deadlocked (Annex 12), does not impose on Katanga any new obligations.

As for the Katangan claim that they negotiated under duress, it is paradoxical when it is realized that military operations in Katanga had been halted precisely in order to allow the Katanga leaders to negotiate.

The Central Government might well have insisted under those circumstances on "a pure and simple declaration of allegiance by Katanga to the Central Government."

Contrary to Mr. Kimba's complaints, however, this was not done and the Central Government made several important concessions. The Katanga leaders ignored this and had the nerve to present a proposal which, if accepted by the Central Government, would have represented a formal recognition of Katanga's independence (Annex 9), as can be seen in the paragraph speaking of the Tananarive agreements.

Undoubtedly, Mr. Tshombe decided it was more politic in the long run to sign a document which he would renounce later rather than take open responsibility for a rupture whose implacable consequences he would have felt in the immediate future.

KATANGA EQUIVOCATIONS AFTER THE TALKS

From the end of the Kitona talks to February 15, 1962, when the Katanga Assembly fixed the terms of the Katanga delegation's mandate, President Tshombe

(*) Mr. Tshombe sent President Kennedy a telegram on December 14 in which he expressed his desire to negotiate with Mr. Adoula. Ambassador Gullion was authorized by the President of the United States to guarantee personally Mr. Tshombe's security and the latter expressed his satisfaction in a second telegram to the President on December 17. (Annex 11)

and his colleagues carefully nurtured the ambiguity they had introduced at Kitona, ambiguity as to their authority as well as to their intentions.

EQUIVOCATION REGARDING THE AUTHORITY OF THE KATANGA LEADERS

President Tshombe's equivocation regarding his authority is eloquently illustrated by the request he forwarded on February 7, 1962, to the Belgian State Council asking it, on the basis of the Fundamental Law, to condemn certain decisions taken by the Central Government in regard to Katanga.

He adopted this new approach as a result of Ordinance 104 of December 30, 1961, in which the President of the Republic called a special session of the Katanga Provincial Assembly at Kamina. (Annex 13)

The Central Government had been anxious to see a meeting of all the members of the Assembly, that is, with the participation of delegates from North Katanga. (Annex 14)

This concern was particularly vital because the Katanga Assembly, as it was about to convene in Elisabethville on Mr. Tshombe's demand, was absolutely unrepresentative of the entire population of the Province of Katanga, and the conditions set for its meeting in the provincial capital had little relationship to democratic needs and methods. (*)

It was at this point that the Provincial Government of Katanga attempted to profit from the juridical problems posed by the existence in Katanga of a state of exception which it had created itself and raised a controversy on the legality of the Central Government's acts. (**)

On this occasion, President Tshombe did not hesitate to use the title, in an official document, of "President of the Provincial Government of Katanga" (Annex 16), which he had heretofore and has since refused to employ. (***) It becomes evident, therefore, that President Tshombe only uses his title of Provincial President, with the obligations that it implies, when that attitude reinforces his personal political position, which, in any event, he is determined to maintain illegally and as a result of outright rebellion.

(*) The conditions in which the CONAKAT, President Tshombe's party, established a homogenous government on the eve of independence even though it did not receive a majority of the votes in the May, 1960, elections have been described in the first White Paper published by the Central Government.

(**) Annex 15 contains several documents concerning this controversy.

(***) A further exception is the letter in which Mr. Tshombe transmitted to Mr. Bunche the eight points of Kitona. (Annex 3). The letter is signed "Moise Tshombe, President of the Government of the Province of Katanga".

It thus becomes perfectly clear that his desire, expressed at Kitona, not to resume his duties as Provincial President without the prior authorization of his Katanga Assembly - a desire which, under other circumstances, would appear to be legitimate - is nothing but a time-consuming maneuver designed to mislead public opinion.

EQUIVOCATION REGARDING THE INTENTIONS OF KATANGA'S LEADERS

At the same time, President Tshombe carefully nourished the ambiguity about his intentions, especially when he authorized the national deputies and senators from South Katanga to go to Leopoldville to take part in the work of Parliament.

They left December 27, 1961.

On January 3, the Katanga delegates arrived at Leopoldville to join in the meetings of the Government's constitutional committee.

In these instances, President Tshombe lived up to engagements taken in points 5 and 6 of the Kitona Agreement.

The Central Government expressed its pleasure that President Tshombe apparently was going to fulfill the obligations he had accepted at Kitona and that he recognized implicitly the existence of national institutions. (Annex 17)

For his part, President Tshombe emphasized repeatedly on the basis of points 5 and 6, that he was endeavoring to respect his engagements. (Annex 18)

Moreover, the Katanga leaders went so far as to maintain that their observance of points 5 and 6 represented an important concession by their government; they expressed an astonishment, which it is difficult not to call hypocritical, that the Central Government was not doing the same. (Annex 18)

It should be recalled in this respect that at Kitona the Katanga delegation gave its approval in principle with the sole proviso that, in order to assuage public opinion in South Katanga, it should be allowed to pick out beforehand those articles of the Fundamental Law that should be amended immediately while waiting for the adoption of a constitution.

This condition posed by the Katanga delegation was therefore a concession by the Central Government.

Nevertheless, this concession by the Central Government, which was repeated in the Kitona Agreement, was claimed later to be a concession by the Katanga government.

Without insisting further on the repeated maneuvers of Katanga propagandists, it is important to emphasize that the decision of President Tshombe to

send South Katanga legislators to Leopoldville continued the ambiguity he fostered regarding his intentions.

By sending the legislators, Mr. Tshombe gave de facto recognition to the national institutions established under the Fundamental Law without accepting the application of that law in his own province.

He applied a part of the declaration he had signed at Kitona but refused to consider the document as a whole.

Finally, through the intermediary of these legislators, he created a new source for contradictory declarations so as to increase the confusion on his real intentions.

To illustrate this, Annex 19 contains an extract of a declaration at Leopoldville by the Katanga legislators during a press conference on January 24, 1962.

They specifically insisted that the deputies and senators of South Katanga did not decide to come to Leopoldville as a result of the Kitona Agreement.

In a speech before the Katanga Assembly on February 15, Mr. Tshombe affirmed the exact opposite. (Annex 18)

In addition, the Katanga legislators insisted that "we, of Katanga, are ready to accept the path chosen by Mr. Adoula, as one likely to lead in the near future, so we hope, to a final reconciliation among all the people of the Congo," a phrase totally lacking in sense unless it is related to the aim of the Katanga legislators and of the leaders of the secessionist province to appease public opinion as long as necessary and to hide their real intentions.

CONCLUSIONS

The examination of the diverse episodes and incidents of the Kitona meeting sets the exact measure of the responsibility of Katanga's leaders for the continuation of the Katanga crisis.

During the December meetings, the members of the Katanga delegation shifted ground repeatedly and avoided all precise engagements although they themselves had called for the conference.

Forced to define his position, Mr. Tshombe signed an eight-point declaration by which he accepted the application of the Fundamental Law. He pledged to defend this declaration before the Katanga Assembly. Nevertheless, when he re-

turned to Elisabethville, he did not fulfill his obligations in good faith and unleashed a campaign of calumny which brought into question the Central Government's freedom of action and which denied the scope of the agreement.

In order to gain time and to appease public opinion, which in general wanted a continued cease-fire as well as a general reconciliation among Congolese leaders, President Tshombe maintained an equivocal attitude, carrying out a series of actions in his capacity as President of Katanga, but refusing to put an end to the "Independent State of Katanga," the maintenance of which was incompatible with the duties of his official status.

PART TWO

THE FIRST SERIES OF TALKS AT LEOPOLDVILLE

THE RESOLUTION OF FEBRUARY 15

The first meetings at Leopoldville took place between March 18 and April 18, 1962.

They grew out of the resolution adopted by the provincial assembly of Katanga on February 15, 1962, (Annex 20) which authorized the Katanga government "to establish contact with the Central Government with a view to ensuring a solution in the spirit of the draft declaration" of Kitona.

On February 15, Mr. Tshombe delivered an address to the Katanga Assembly. (Annex 18)

The following day, he wrote to Prime Minister Adoula, informing him of the Assembly's action and suggesting a meeting at the military base of Kamina. (Annex 21)

Also on February 16, the Prime Minister telegraphed Mr. Tshombe, inviting him to come to Leopoldville (Annex 22) and made his first comments to the press on the Assembly resolution. (Annex 23)

On February 20, he made a broadcast in which he answered Mr. Tshombe's remarks of February 15. (Annex 24)

The sceptical tone of the Prime Minister's speech may seem surprising at first glance. The resolution adopted by the Provincial Assembly would appear to coincide with the wishes expressed repeatedly by the Central Government.

The Provincial Assembly declared in particular that it "accepts the draft declaration of Kitona of December 21, 1961, as a potential basis of discussion with a view to the settlement of the Congolese conflict; authorizes the Government of Katanga to establish contact with the Central Government with a view to ensuring a solution in the spirit of the draft declaration, and stresses that the Government of Katanga must arrive at that solution by negotiation and peaceful means, with all due dispatch."

For his part, Mr. Tshombe agreed in his letter of February 16 to the terms of the authority conferred upon him by the Assembly.

In this way, the problems that had been raised by the Katanga delegation at Kitona, where Mr. Tshombe said he could not make any engagements without a mandate from the Assembly, seemed to have been resolved.

Now that he had requested and received this mandate and that the Fundamental Law had been accepted as a basis for the discussions at the insistence of the Central Government, the Katanga secession appeared to be ending of its own accord.

Nevertheless, the Prime Minister remained sceptical.

After careful study of the details of the Katanga Assembly's resolution, he declared in his broadcast of February 20:

"Basing itself on the speech of Mr. Tshombe, the Provincial Assembly endorses the declaration he signed at Kitona, but combines it with reservations that cancel its effects and make it meaningless. It is a clever job, which is in line with the political maneuvers followed so far by Mr. Tshombe. The Katanga Assembly calls on us to apply the Fundamental Law where it is to its advantage, as it has in the past. It demands the withdrawal of the nomination of a High Commissioner and the reunification of Katanga in accord with Articles 7 and 159 of the Fundamental Law, but, on the other hand, refuses to accept the Fundamental Law and insists on a new interpretation of those articles which oblige it to respect the clauses ending the secession."

"Thus, it asks permission for the gendarmerie to resume its efforts to re-establish the authority of the Katanga Government in North Katanga; that is, to expel the National Army and arrest the High Commissioner named by the Central Government. The Provincial Assembly also asks us for a new interpretation of Articles 23, 26 and 219 on nominations to higher ranks in the army and the gendarmerie, as well as to the high command of the armed forces. Finally, the Katanga Assembly reserves the right to ratify any agreements arrived at by the authorities of Leopoldville and those of Katanga. As you can see, fellow citizens, we are still at the bargaining stage and no one can say that this does honor to our Katangan brothers."

It is evident that the Prime Minister saw from a detailed analysis of the

Katanga Assembly's resolution that it was a trap set for him. He implied that the Assembly was an accomplice to the equivocal and delaying tactics which Mr. Tshombe adopted after the Kitona talks.

Although this interpretation seems very probable in view of the composition of the Katanga Assembly and the undemocratic conditions under which it operates in Elisabethville, this is not the primary subject of this White Paper. Indeed, it is not easy to accuse a whole body of men, such as the Assembly, of bad faith. However, the manner in which the Katanga delegation later was to employ the vagueness, equivocation and contradictions of the resolution adopted by the Provincial Assembly on February 15, whether such acts were voluntary or not, demonstrates that the Prime Minister's fears were not without foundation.

KATANGA'S MANEUVERS

The Katanga delegation arrived at Leopoldville on March 16.

On March 18, the delegations of the Central Government and of the Provincial Government of Katanga began their talks.

The Central Government's delegation, led by Prime Minister Adoula, included Jason Sendwe, Vice-Premier; Jean Bolikango, Vice-Premier; Christophe Gbenye, Vice-Premier; Justin M. Bomboko, Minister of Foreign Affairs; Cleophas Kamitatu, Interior Minister, and Joseph Ileo, Minister of Information and Cultural Affairs.

The Katanga delegation was led by Mr. Tshombe and included Jean-Baptiste Kibwe, Provincial Minister of Finance; Gabriel Kitenge, Provincial Minister of Public Works; Justin Meli, Executive Assistant to Mr. Tshombe, and Alexis Kishiba and Henri Kambola.

During that first meeting, Prime Minister Adoula suggested an agenda. (Annex 25)

On March 19, discussion began on the priorities suggested by the Prime Minister, particularly on the initial one in which Mr. Adoula pressed for a clear definition of the exact powers of the two delegations.

The first exchanges on this question demonstrated that the Katanga leaders were determined once again to undertake a major delaying maneuver despite the Central Government's patience and resolution to seek a peaceful ending to the Katanga crisis.

The first phase of this maneuver was to play upon the ambiguity and contradictions in the February 15 resolution so as to avoid the terms of the mandate voted by its own Assembly.

Driven to a clear definition of its position, the delegation finally admitted that it had not the slightest intention of negotiating on the basis of the Kitona Agreement and that it intended indeed to maintain the existence of independent state of Katanga. Making this position entirely clear, Mr. Tshombe offered entirely new proposals which differed completely from the bases on which he was authorized by the Assembly to negotiate.

When he found himself in an embarrassing position with public opinion, the Provincial President of Katanga was unscrupulous in bringing about a series of incidents designed to discredit the Central Government.

Finally, he refused to accept the temporary arrangements proposed by the Central Government in order to halt fighting in the troubled regions of North Katanga.

These are the different phases of the Katangan tactics which will now be described and analyzed.

EQUIVOCAL NATURE OF THE KATANGA DELEGATION'S MANDATE

Discussions on the powers of the Katanga delegation occupied all the sessions from March 19 to 23, 1962.

Since there was no agreement between the two delegations, the talks were suspended in the afternoon of March 23. But explorations of the same subject continued until April 1 in exchanges of letters between Mr. Adoula and Mr. Tshombe.

Through all this period, the Katanga delegation attempted to profit from the ambiguity and contradictions of the February 15 resolution in order to avoid a definition of the terms of its mandate.

A number of these arguments clearly illuminate the bad faith of the Katanga delegation. For example, the Katangans began by insisting that the scope of their mandate depended on the methods proposed by the Central Government for ending the Katanga secession. (Annex 26)

The argument is equally in conflict not only with the terms of the mandate but also with the written definition of the mandate which the delegation itself gave on March 22. Repeating the wording of the Katanga Assembly's mandate, the delegation added: "This mandate is general or universal, that is to say it covers all subjects that may come up in arriving at a fair solution of the conflict."

FIRST CONTRADICTION OF THE FEBRUARY 15 RESOLUTION

In order to end the equivocations and hair-splitting, Prime Minister Adoula asked the Katanga delegation during the meeting of March 20 for a precise definition of the extent of its authority.

Mr. Kibwe answered that in any event any agreement would have to be ratified by the Katanga Assembly. (Annex 27)

Thus, the Katanga delegation brought into the open one of the basic ambiguities in the February 15 resolution. Effectively, this resolution indicated that the Kitona agreements were accepted by the Assembly as a basis for discussions with the Central Government.

However, these agreements expressly provided for the application of the Fundamental Law throughout the Province of Katanga. Such application implies, obviously, the suppression of a Katanga Assembly conceived as a parliament of an independent state charged with ratifying international agreements.

Nevertheless, the Katanga Assembly, in the very text of its resolution, expressly reserved itself this right.

In other words, the Katanga Assembly authorized the delegation headed by Mr. Tshombe to negotiate with the Central Government in the spirit of the Kitona Agreement but, at the same time, reserved certain rights which are in complete contradiction with this spirit.

Therefore, logically, the exercise of these rights should lead the so-called "sovereign" Assembly of Katanga to commit suicide, in a manner of speaking.

This is the kind of position adopted by the Katanga delegation at this point in the discussions. It illustrates eloquently its bad faith.

At the risk of being repetitious, here are some further illogical positions taken by the Katanga delegates in trying to explain the contradictions of the February 15 resolution.

Mr. Tshombe attempted to justify the idea that the Katanga Assembly should ratify agreements by appealing to Article 176 of the Fundamental Law (*) (Annex 27)

It is only too clear that the Fundamental Law never gave the Provincial Assembly the prerogatives of a national parliament.

(*) Article 176 states: "The provincial government administers the affairs of the province in conformity with the legal provisions and regulations.

"It deliberates in closed meetings.

"Each member of the provincial government is personally and individually responsible, except if the provincial government decides otherwise, for the execution of decisions taken by that body, after mutual consultation, and which fall within the scope of its authority.

(continued following page)

Mr. Tshombe thus stands convicted either of ignorance or bad faith.

Nor is this all.

Two days later, on March 22, Mr. Kibwe insisted, in flat contradiction to Mr. Tshombe, but at least frankly, that even if "that ratification does not exist in the Fundamental Law, it exists nevertheless in our constitution." (**)
(Annex 28)

A few minutes later, the Katanga delegation became so badly embroiled in its own contradictions that all it had left to do was to deny the evidence.
(Annex 29)

SECOND CONTRADICTION IN THE FEBRUARY 15 RESOLUTION

At this stage in the talks, Mr. Bomboko brought out a second contradiction in the February 15 resolution.

When Prime Minister Adoula had emphasized that the Katanga Assembly had insisted in its resolution that the Fundamental Law must be applied, Mr. Kibwe replied that "The Assembly only expressed a hope." (Annex 30)

Mr. Bomboko then pointed out that one could not interpret point "a" of the recommendations as a hope(***) without giving the same interpretation to point "g", and this relieved the Katanga delegation of the obligation to submit to the Assembly for ratification any agreements it might make with the Central Government. (Annex 31)

Taken aback, Mr. Tshombe called for adjournment of the meeting.

(*) continued:

"By way of decrees, the provincial government, i. a. insures the application of: decrees, decree-regulations and programs adopted by the assembly, the laws, legal decisions and ordinances of which it is put in charge by the central government.

"It directs the whole administration of the province under the higher control of the assembly.

"It takes in trust the towns, communes, territories and administrative subdivisions within the framework of the recognized autonomy of those entities.

"It prepares the assembly's agenda and places before it the draft decrees and programs.

"Every year, it elaborates a draft budget which it submits to the assembly."

(**) Mr. Kibwe was referring to the so-called Katanga Constitution of August 5, 1960.

(***) See the text of the resolution in Annex 20.

KATANGA'S DELEGATION REVEALS ITS TRUE COLORS

Thus, in the course of the meetings of March 19, 20, 21 and 22, the Katanga delegation witnessed the crumbling of the ramparts of equivocation and contradiction it had been building ever since December 20 in order to avoid the obligations it would sooner or later have to assume in honest negotiations.

On March 23, its back against the wall as a result of a remarkably lucid presentation by Mr. Ileo (Annex 32), the Katanga delegation finally revealed its true intentions. It openly admitted that it had sought negotiations with the Central Government, not to reach agreement on ending the Katanga secession, but rather in order to consolidate Katanga's independence which had been gravely compromised since September, 1961.

In Mr. Kitenge's own words: "We are an independent state, but internationally we are not recognized as such. We cannot continue to live in this condition and that is why we are here." (Annex 32)

Thus, the Kitona Agreement was repudiated.

The resolution of February 15 was repudiated.

The Central Government and public opinion had been deceived.

After a discussion in which the Katanga delegation, aware of having been unmasked, embroiled itself in endless contradictions and in which Mr. Tshombe went so far as to deny having made any declaration whatsoever at Kitona (Annex 33), the meetings were temporarily suspended.

PRIME MINISTER ADOULA'S APPEAL TO MR. TSHOMBE

The first phase of negotiations produced nothing but a deadlock, gaining three months for Mr. Tshombe.

But the meetings had not been broken off.

The Prime Minister was determined to leave no stone unturned in getting the return of Katanga to the Congolese nation, so he agreed to continue exchanges with Mr. Tshombe.

On March 22, the Katanga delegation had put into writing a definition of its mandate. (Annex 34)

On March 23, the Congolese delegation followed suit. (Annex 35)

The position of the Central Government is clear and honest. That of the

Katanga delegation contains the same equivocations as the February 15 resolution.

On March 24, Mr. Tshombe wrote once more to the Prime Minister. (Annex 36)

The contents of this letter represented a clear retreat from the Kitona declaration. The Katanga President also twisted the precise mandate he had received from his Assembly, replacing it with improbable proposals such as that of accepting the Fundamental Law only symbolically.

Prime Minister Adoula's answer put the situation in exact perspective. (Annex 37)

Once again, he tried to persuade the Katanga president of the necessity for finding a solution that would be legal: "The position of the Central Government has always been perfectly clear: the Fundamental Law must constitute the basis for the talks. What we must seek together is the whole complex of measures capable of ending the Katanga secession, that is to say, ending situations of fact which are contrary to the Fundamental Law."

Finally, he appealed to Mr. Tshombe's conscience and patriotism:

"Today, we must forget our quarrels and whatever has divided us. We must understand that the interest of our people outweighs all the desires, all the advisers who think only of material gain without equating it with the good of the Congo.

"I cannot believe that this appeal to your conscience, to your national sentiment, will not be answered. You would be condemning the Congo and its people to a grave and mournful period by persisting in your present attitude. As peace-loving men, we are ready to welcome you with open arms if you will for once live up to your pledges. You must understand, however, that conciliation and the peaceful search for solutions can be fruitful only if both sides contribute their efforts. Above all, we cannot forget that the restoration of the Congo's unity is a mission the nation has assigned us."

There was no answer to this appeal and Mr. Tshombe was unmoved. (*)

NEW PHASES OF KATANGA'S MANEUVERS

The final episodes of the first series of Leopoldville talks are without doubt among the most painful ones in the talks between Mr. Adoula and Mr. Tshombe.

The latter was well aware he was in an embarrassing position, so he

(*) The Prime Minister expressed his disappointment in a speech to the people on March 29 (Annex 38)

came forth with a series of proposals which had no relationship with his previous stand.

For his part, Prime Minister Adoula thought of the well-being of the people and tried to reach an agreement for ending military operations in North Katanga.

The stubbornness of Mr. Tshombe blocked these humanitarian efforts.

Finally, the Katanga leaders tried to distract public attention from the absurdity and bad faith of their latest suggestions by profiting from a series of incidents in an effort to discredit the Central Government.

Let us examine in detail these new maneuvers by the Katanga leaders.

MR. TSHOMBE'S NEW PROPOSITIONS

The position adopted by Mr. Tshombe after the decisive meeting of March 23 have little interest except to show once again the continual shifting of his attitudes and ideas.

After having refused to negotiate on the basis of the Fundamental Law, after having refused to take into account the nature of the mandate conferred on him by the February 15 resolution, he made a number of lukewarm efforts to resume talks with the Central Government.

On March 26, he sent the Prime Minister a counterproposal on the agenda (Annex 39) to be discussed on March 27, date on which the talks were resumed for one day.

In a major policy statement, Mr. Bomboko demonstrated that this agenda was unacceptable both in principle and because it brought into question the bases for discussion that had already been accepted. (Annex 40)

Talks were again suspended.

On April 6, Mr. Tshombe made a new proposal to the Prime Minister. Its summary and vague nature prevented serious consideration. (Annex 41)

In this proposal, he agreed to renounce the absolute sovereignty of Katanga if the Prime Minister would "confirm officially the internal sovereignty" of the province.

The inconsistency of the proposal is self-evident.

Katanga had never enjoyed even de facto absolute sovereignty and the concept of internal sovereignty is too vague to be discussed.

Mr. Tshombe went back to this idea on April 11. (Annex 42)

He linked it with a suggestion for commercial exchanges (Annex 43), continuing his unpleasant habit of offering economic concessions after having rejected agreements on principles.

Prime Minister Adoula assessed these proposals during the last meeting, which took place on April 14. (Annex 44)

On April 16, the Prime Minister submitted in writing the counterproposals of the Central Government. (Annexes 45 and 46)

REJECTION OF PRIME MINISTER ADOULA'S HUMANITARIAN PROPOSALS

Ever since the March 23 meeting, the Central Government's delegation had been persuaded that it was useless to continue discussions with the Katanga delegation on the basic problem: that of ending Katanga's secession.

From that time onward, the Central Government's delegation concentrated on a partial and limited agreement on purely humanitarian grounds to end blood-letting in North Katanga.

That region, which was part of the province of Katanga before independence, today is an autonomous province.

Ever since the proclamation of the alleged independence of Katanga, July 11, 1960, the population in the North had been apposing heavy resistance to Mr. Tshombe and his regime.

South Katanga authorities tried to stop this patriotic opposition with savagely repressive measures.

The Chief of State had proclaimed, through an ordinance on November 28, 1961, a state of emergency in the province of Katanga. At the end of March, 1962, clashes between the National Congolese Army and Mr. Tshombe's gendarmerie were virtually continual and the people of North Katanga were suffering greatly. This explains the Central Government's desire to settle this question rapidly. The question occupied the meetings of Saturday, March 31, and of Wednesday, April 4.

Unfortunately, Mr. Tshombe's intransigence blocked any settlement.

Basically, the provincial president restricted himself to proposals for the creation of mixed committees that would check on future violations of order given the armed forces by the two disputants.

The Congolese delegation pointed out that this was totally insufficient to

to halt the fighting since it would only apply after the fact.

Mr. Bomboko remarked in a bitter joke: "According to you, we would have to send a mixed committee each time to see who shot the first arrow". (*)

For his part, Prime Minister Adoula suggested an effective solution which would reconcile the two parties on a specific point. (Annex 47)

This proposal was to assign to the troops of the Congolese National Army and to the Katanga gendarmes, without prejudice to their eventual disposition, the task of operating together to maintain peace. The idea was to bring about a rapprochement of the two forces on a specific point, in a specific region, in order to end the suffering of the people of that district.

The Prime Minister's concept was precise, restrained and generous. If put into effect it would have led to a reconciliation that would not have been less efficient and real for being limited.

In addition, it left aside all questions of principle, all legal considerations, and tried simply to end a situation that both sides admitted was tragic.

This in itself should be sufficient to contradict criticisms of the so-called "rigid and unrealistic" attitude of the Central Government during these negotiations.

The Katanga leaders have more often been the ones to insist on recognition of a de facto situation in order to avoid obeying Congolese law. But it is not the same thing when the de facto situation exists in their own province and challenges, no matter how little, the principle of the so-called "Katangan independence."

During the meeting of April 3, the offer of the Prime Minister was flatly rejected by the Katangan delegation under all sorts of pretexts. First, the delegation demanded the withdrawal of the National Army (Annex 48), and the end of the state of emergency (Annex 49); then, it refused Mr. Adoula's offer on the grounds that it was a substantive question and the delegation had only agreed to discuss preconditions for ending military operations in North Katanga solely for the duration of the talks. (Annex 50)

This proves that it is the provincial regime rather than the Central Government that is trying to impose by force a solution to the Congolese problem.

Besides, it is obvious that the withdrawal of the Congolese National Army would not have ended fighting between the people of North Katanga and the provincial authorities in Elisabethville. (Annex 48)

Similarly, the state of emergency declared in Katanga was not a cause but a result of the tragic situation in the north of the province. (Annex 49)

But what do the Katanga leaders care about this tragic situation when they are trying to maintain unconditional and sovereign authority over the entire province!

FINAL PHASE OF KATANGA'S MANEUVER

In view of their loss of face, the Katanga delegates' only recourse was to attempt to profit from a series of incidents; indeed, to create them to distract public attention from their own irresponsibility.

This was done by violating the secrecy of the talks, by accusations by Mr. Kimba of "foreign influences" at Leopoldville, and by accusing the Central Government of breaking its word in not allowing Mr. Tshombe to return to Elisabethville.

The first two incidents are so minor that they are only brought up for the record.

VIOLATION OF THE SECRECY OF TALKS

From the very beginning of the discussion, the two delegations had agreed that the meetings should take place behind closed doors.

On March 26, Mr. Tshombe sent his counter-proposal on the agenda to various embassies. (Annex 39)

On March 27, the Central Government's delegation asked for an explanation and published a communique outlining its own position. (Annex 51)

On March 28, Mr. Tshombe, in turn, published a communique (Annex 52) and sent a letter on the same day to the Prime Minister explaining his reasons. (Annex 53)

The following day, Mr. Adoula sent Mr. Tshombe by letter a new outline of the Government's position. (Annex 54)

(*) Extract of the verbatim record of the first talks at Leopoldville, page 83, March 31 meeting.

NEW ACCUSATIONS BY MR. KIMBA

The second incident is significant in that it demonstrates the confusion among the Katanga leaders at this time.

Mr. Kimba sent telegrams from Elisabethville to various African chiefs of state urging them to intervene "urgently and benevolently to eliminate foreign influences on the Leopoldville talks!"

This accusation is all the more remarkable in that the two delegations had jealously preserved the talks from any outside influence whatsoever and this has never been denied by the Katanga delegates.

Nevertheless, Mr. Kimba was well aware that such an accusation, despite its absurdity, could upset public opinion and turn its attention from the equivocations and incessant contradictions inherent in the positions adopted by the Katanga delegation.

THE EPISODE OF MR. TSHOMBE'S DEPARTURE

The incident marking Mr. Tshombe's departure on April 18 is much more serious, particularly in view of the considerable criticism of the Central Government it evoked.

First of all, the events must be recounted exactly. (*)

On Monday, April 16, Prime Minister Adoula had a conference with Mr. Tshombe and gave him the Central Government's draft conclusions on the Leopoldville talks. (Annexes 45 and 46). Mr. Tshombe said he would need a few days to consider this and agreed on a new meeting on Saturday, April 21. Mr. Adoula informed Mr. Tshombe of his intention to use the interval to make a brief trip through the country.

On Wednesday, April 18, Mr. Kamitatu, Minister of Interior in the Central Government, confirmed Mr. Tshombe's appointment for Saturday and set the time of the meeting. (Annex 56)

The same day, at 4:30 pm, Mr. Bolikango, Vice Premier, received a letter from Mr. Tshombe addressed to the Prime Minister. (Annex 57) The Provincial President of Katanga announced in the letter his intention of returning to Elisabethville without specifying when he would leave. Mr. Bolikango then learned that Mr. Tshombe was already at the airport and ready to leave Leopoldville.

(*) The Prime Minister gave a detailed account of the incident in his broadcast of April 24. (Annex 55)

The Cabinet was called into special session and, in the absence of the Prime Minister, decided to take provisional measures to halt Mr. Tshombe's departure.

In addition, the Vice Premier was charged by the Cabinet to tell Mr. Tshombe that negotiations would resume April 19. (Annex 58)

For his part, Mr. Robert K. A. Gardiner, Officer in Charge of the United Nations Operation in the Congo, felt that the measures taken by the Cabinet were in violation of pledges made and intervened to allow the Provincial President to return to Elisabethville.

Early in the morning of Thursday, April 19, Congolese officials permitted Mr. Tshombe to leave.

This is the incident that gave rise to accusations that the Central Government had tried to go back on its word and violate the guarantees it had given to Mr. Tshombe.

JUSTIFICATION OF THE CENTRAL GOVERNMENT'S ATTITUDE

This accusation will not stand up under examination.

Certainly, the Central Government had given Mr. Tshombe the largest guarantees of his security and his liberty while he was in Leopoldville. (Annex 59)

At the same time, it is evident that the usage Mr. Tshombe made of that liberty made it impossible for the Central Government to live up to its obligations.

As a matter of fact, when he sent the letter to the Prime Minister on the morning of April 18, announcing his intention of returning to Elisabethville, Mr. Tshombe committed two serious breaches, and he did it deliberately.

In the first place, he sent his letter as he should have to the Prime Minister. But he knew very well that the latter had left the Congolese capital the day before.

In the second place, he took care not to announce the date of his departure and it was only through word of mouth that the Central Government learned at the very moment it received his letter that he was already at the airport.

Thus, Mr. Tshombe was at the airport before the Cabinet of the Central Government (not to mention the Prime Minister) had received official notification of his intention of returning to Elisabethville.

As a result, the ministers of the Central Government who were present in Leopoldville found themselves in a dilemma.

On the one hand, they could not take responsibility for letting Mr. Tshombe leave without having consulted Mr. Adoula; on the other hand they were confronted with the fact that Mr. Tshombe was on the point of leaving and so they had to make an immediate decision.

Under the circumstances, the decision of the Cabinet to delay Mr. Tshombe's departure temporarily was perfectly legitimate and was not at all incompatible with earlier pledges by Mr. Adoula.

What is more, there is reason to believe that the Provincial President's actions were a deliberate attempt to create an incident which he had reason to believe could be exploited to the utmost by Katanga propagandists, thus discrediting the Central Government.

There would be nothing unusual in such a maneuver by Mr. Tshombe. It follows the tactics of diversion employed by the Katanga leaders, at least since the end of March, as has been recounted above.

CONCLUSIONS

Without question, the bad faith of the Katanga leaders has nowhere been more sharply illustrated than during the course of the first series of talks at Leopoldville.

Mr. Tshombe refused to apply the Kitona Agreement under the pretext that he had received no mandate from the Provincial Assembly.

Later, he refused to negotiate, despite the formal authorization he received in the February 15 resolution, and tried to base the talks on new, vague and far-fetched considerations.

To avoid the obligations of his mandate, he attempted to profit from certain contradictions within the text of the February 15 resolution.

Confronted with the facts, the Katanga delegation admitted that it had come to Leopoldville only to safeguard the existence of an independent Katanga.

It refused to accept the humanitarian proposals of the Prime Minister to end the suffering of the North Katanga population and took advantage of a series of incidents to turn public attention from the contradictions in its attitude in order to discredit the Central Government.

The true intentions of the Katanga leaders are thus manifest: their dilatory tactics having borne fruit, they once again tried to impose by force their own solution to the Katanga crisis.

Their desire to engage in real negotiations was more illusory than ever.

PART THREE

THE SECOND SERIES OF TALKS AT LEOPOLDVILLE

PARTICIPANTS IN THE SECOND TALKS AT LEOPOLDVILLE

The second series of talks between the representatives of the Central Government and those of the Provincial Government of Katanga took place in Leopoldville from May 21 to June 26, 1962.

The Central Government's delegation, headed by Prime Minister Adoula, included Vice Premier Jason Sendwe, Foreign Minister Justin M. Bomboko, Minister of the Interior Cleophas Kamitatu and Minister of Information and Cultural Affairs Joseph Ileo.

The Katanga delegation was led by Moise Tshombe and consisted of Jean B. Kibwe, Finance Minister, Gabriel Kitenge, Minister of Public Works, Justin Meli, Executive Assistant to Mr. Tshombe, and Alexis Kishiba and Henri Kambola.

Two representatives of the United Nations in the Congo also participated. They were Mr. Robert K. A. Gardiner, Officer in Charge of U.N. Operations, and Jose Rolz-Bennett, UN representative in Elisabethville. Their presence was agreed upon by both parties as a result of the remarkable conciliatory efforts of Mr. Gardiner at the beginning of May which attempted to narrow the differences.

CHARACTER OF THE SECOND LEOPOLDVILLE TALKS

This second series of negotiations at Leopoldville has certain characteristics quite different from the previous talks.

In the first place, they occurred after a long preparatory period, during which Mr. Gardiner played a particularly active role.

And they transpired in a manner which was generally effective, since, after a month of long and patient endeavor, the two delegations reached agreement on the powers of the four committees which they had created.

For the most part, the discussions were constructive and one could reasonably expect that they would arrive at a satisfactory solution for both sides.

Nevertheless, the talks were broken off on June 26 in such a brutal fashion that hopes for a satisfactory negotiated settlement of the Katanga crisis were seriously compromised.

NEW AMBIGUITY IN THE KATANGA ATTITUDE

In order to understand the sudden stiffening of the Katanga delegation which was at the origin of the rupture, it must be pointed out that this third series of talks was based on important governmental concessions.

It should also be noted that while the Katanga provincial leaders agreed to discuss on these bases -- any other attitude would have turned public opinion against them -- they increased their attacks and accusations against the Central Government throughout this whole period.

As the talks seemed to near a solution, these acts increased in violence.

The ambiguity of the Katanga approach did not so much show itself in the attitude of the negotiators as heretofore (perhaps their prudence stemmed from the constant presence of the UN representatives), but rather in the ever-increasing disparity between the serious attitude of the delegation toward its work and the far-fetched and slanderous nature of its attacks on the Central Government.

Let us examine this new and final phase of Katanga's equivocal attitude.

MR. GARDINER'S FIRST ATTEMPT AT CONCILIATION

The actual negotiations were preceded by an intensive preparatory period during which Mr. Gardiner, Officer in Charge of UN Operations in the Congo, tried to bridge the gap between the two points of view.

For this purpose, he was in Elisabethville from April 30 to May 7, 1962.

To start with, the positions of the disputants were outlined in two documents: the "draft conclusions for Leopoldville talks" that Mr. Adoula submitted to Mr. Tshombe on April 16 (Annex 46), and a memorandum Mr. Tshombe handed Mr. Gardiner on April 8. (Annex 60)

This memorandum followed the new line adopted by the Katanga delegation at the beginning of April.

The Provincial President of Katanga expressed his desire "to seek, with the Central Government, ways and means of ending secession which circumstances made necessary," and at the same time proclaimed the right of "the Katangan people ... under the principle of self-determination, to reject a law which the former colonial power imposed upon them, and to proclaim their complete independence."

In other words, Mr. Tshombe would only agree to seek a way to end the Katanga secession if the Central Government and the United Nations recognized the fact of the secession.

What is more, in addition to declaring the "complete independence" of Katanga, Mr. Tshombe said he hoped that "the (UN) Officer-in-Charge will announce that as a result of the initiative taken by the President, Katanga is no longer in the state of secession referred to in the resolutions of the United Nations Security Council."

In other words, Mr. Tshombe asked to maintain Katanga's independence and at the same time sought UN recognition that the state of secession had ended.

It is easy to understand why Mr. Gardiner did not answer this request.

FAILURE OF THIS ATTEMPT

There is no need to go over in detail in this White Paper the different working documents exchanged between Mr. Gardiner and the Katanga leaders during their talks in Elisabethville.

These documents were published in their entirety in the report (Ref. S. 5053/Add. 10 and annexes) which Mr. Gardiner submitted to the United Nations Secretary General.

It is important to note, however, that as Mr. Gardiner withdrew from the initial positions of the Central Government to come nearer Katanga's, Mr. Tshombe and his colleagues became more demanding and more intransigent instead of offering concessions of their own.

For example, a revised draft of the proposed conclusions on the Leopoldville talks was summarily rejected by the Katanga leaders.

Mr. Gardiner's explanations and modifications only encouraged the Katanga leaders to present counter-proposals in which they insisted, among other things, that "all the Federated States of the Congo have representatives abroad and that the President of each State be the Commander-in-Chief of the Army."

In addition, Mr. Tshombe and his colleagues demanded the suppression of point 2 of Article 5 in the Central Government's draft conclusions which insisted on the withdrawal of the text called "Constitution of August 5, 1960." (*)

As Mr. Gardiner commented in his remarks on the counter-proposals: "Paragraph 2 of Article 5 must remain. To preserve the constitution of August 5, 1960, would be completely contrary to ending the Katanga secession, which is what should be done."

Instead of accepting this viewpoint, the Katanga leaders answered with

(*) This is the constitution of the alleged "Independent State of Katanga."

two versions of a "draft conclusion for the Leopoldville talks" in which they reaffirmed their position.

Aside from the fact that Katanga yielded to the Central Government "diplomatic representation and treaties, each state being at liberty to arrange for its own representation abroad for economic purposes" this document, in fact, would have recognized Katanga sovereignty.

Once he understood in detail the positions of the two parties, Mr. Gardiner advanced his own draft conclusions in which he tried for the last time to reconcile the points of view.

His document is worth examining because it contains extremely important concessions to the Katangan viewpoint, particularly by establishing "a transitional period" during which "the Katangan gendarmerie shall be maintained as now organized and General Moke, its Commanding Officer, and the other officers shall take an oath of allegiance to Mr. Kasavubu, the Chief of State. Mr. Tshombe declares that the gendarmerie contains no foreign elements" and "the existing frontiers of Katanga as fixed on June 30, 1960, shall not be modified unless the Katanga Assembly gives its consent to such a modification by a two-third majority of its members."

Mr. Gardiner's text was rejected by the Katanga leaders who submitted in exchange a "draft conclusion for the Leopoldville talks acceptable to the Katanga representatives."

This draft conclusion was no different from previous proposals by Mr. Tshombe and his colleagues.

Mr. Gardiner had to settle for that.

Obviously, the proposal was unacceptable to the Central Government.

Mr. Gardiner had learned in his turn what the Katanga leaders meant by their "desire to negotiate."

MR. GARDINER'S SECOND ATTEMPT AT CONCILIATION

Nevertheless, the Officer-in-Charge did not give up.

With courage and perseverance, he began to draft a new document which could serve as a basis for future negotiations between the Central Government and the provincial government of Katanga.

This 24-page document is notable for its avoidance of questions of principle so far as possible.

The essential point in its agenda is the definition of the authority of a certain number of committees to be established to settle concrete problems blocking the reintegration of Katanga.

The agenda also contains a draft of a joint communique very much in the spirit of the document. (Annex 61)

On May 23, two days after talks resumed in Leopoldville, Prime Minister Adoula agreed to use the United Nations' document as a basis for discussion. (Annex 62)

SUCCESSIVE CONCESSIONS BY THE CENTRAL GOVERNMENT

In this, the Prime Minister made a new and important concession.

It must be recalled that the Central Government had agreed to negotiate with the Katanga leaders at Leopoldville on the basis of their February 15 mandate from the Katanga Assembly.

By agreeing to discuss on another basis and by proposing "the draft conclusions for the Leopoldville talks", the Central Government was making a first and important concession.

Now, Mr. Gardiner asked it to drop this text also.

Again, Mr. Adoula agreed because he did not want to overlook any possibility for a peaceful solution to the Katanga crisis.

From May 24 onward, the two delegations pursued their talks on the basis of Mr. Gardiner's text.

On May 25, they adopted the agenda for their talks. (Annex 64)

PARTIAL SUCCESS FOR THE SECOND ATTEMPT AT CONCILIATION

An examination of the verbatim reports on the ensuing talks makes it clear that the new approach suggested by Mr. Gardiner offered a real opportunity to reach positive results.

After long and arduous discussions, the two delegations established the mandate for four commissions it had voted to set up.

On May 29, the authority of the military commission was adopted. (Annex 65)

On June 15, the mandate was voted for the Commission on transport and communications. (Annex 66)

On June 22, the same was true for the economic and fiscal Commission and the monetary Commission (Annexes 67 and 68)

These results were far from meager. Nevertheless, there were certain indications that the conclusion of the talks might be less favorable than their progress thus far suggested.

In the first place, the Katanga delegation had refused from the very beginning to discuss "the draft of final joint communique" contained in Point 2 of the United Nations document.

Mr. Tshombe argued that it would be premature to draw up a joint communique before the discussions had ended. (*)

This argument is fallacious inasmuch as the draft communique presented by the United Nations consisted mainly of a declaration of principle and intention. It had been prepared by the UN in prudent and moderate terms, care being taken to avoid giving the impression that it represented a victory or a defeat for either party.

As a matter of fact, it was essential that Mr. Tshombe sign this declaration of intention because it would have bound him to continue the talks in good faith and in the spirit of the document. Mr. Tshombe refused to endorse a text that he considered once again too precise.

In a final concession (**), Prime Minister Adoula accepted the viewpoint of the provincial leader. However, one month later, the question of the final communique was the rock on which the talks foundered.

SLANDEROUS CAMPAIGNS BY THE KATANGA LEADERS AGAINST THE CENTRAL GOVERNMENT

A second indication that the desire of the Katanga delegates for a solution to the crisis was more apparent than real came from the nature and frequency of attacks on the Central Government.

These attacks became more violent than ever before.

The worst slanders of the Central Government were spread. The slight-

(*) During the second session of May 24 and the first session of May 25.

(**) Compare the draft agenda of May 24 (Annex 63) with the Agenda finally adopted on May 25. (Annex 64)

est incident was magnified and exploited in order to force the Government to break off the talks and accept the blame for the breakdown.

It was as though the Katanga leaders were trying to turn the good will they manifested during the talks into a new arm against the Central Government. Probably never in history has the desire of a government to solve a political crisis peacefully been so openly exploited.

An examination is worth making of the various incidents and accusations during this period.

This may astonish those who followed closely the activity of the Central Government at that moment, especially in view of the far-fetched nature of the criticisms. But the value of such a probe lies in clearing up misapprehensions in the minds of the general public.

PRESIDENT TSHOMBE'S SPEECH ON THE EVE OF RENEWED TALKS

The first incident was created by Katanga's leaders on May 17, the eve of the renewal of talks at Leopoldville.

On that day, Mr. Tshombe delivered an extraordinarily savage and brutal speech in Elisabethville. (Annex 69) A contemptuous reference to "those people in Leopoldville" followed by a long personal attack on Prime Minister Adoula faded into insignificance alongside the declaration that Mr. Tshombe refused to consider Mr. Adoula a valid spokesman until he has freed "the 4,000 prisoners whose only crime is not to be devoted to him, not to have the same political ideas."

The ridiculous nature of this charge is obvious when one realizes that Mr. Adoula could not free 4,000 prisoners that do not exist. Mr. Tshombe took care not to repeat his accusation during the talks for fear of an immediate rupture.

When Mr. Adoula demanded an explanation during the meeting of May 22, he dodged the question by saying: "If you want, I am ready to put your declarations into the balance against mine" (*) and then hurled a new charge against the Central Government, accusing it of limiting the freedom of movement of the Katanga delegation.

To enlighten international opinion on Mr. Tshombe's accusations, Mr. Bomboko suggested creating an inquiry commission on the question of the 4,000 alleged prisoners. (Annex 70)

(*) The present White Paper demonstrates that the Central Government has nothing to fear from such a confrontation.

THE INCIDENT OF THE KATANGA DELEGATION'S FREEDOM OF MOVEMENT

Prime Minister Adoula sent a letter to Mr. Gardiner on May 18 in which he outlined the security measures planned by the Central Government for Mr. Tshombe and his delegation while they were in Leopoldville.

These measures, made necessary because hostility on the part of the Leopoldville citizenry toward the Katanga leaders had grown following the April 18 incident at Leopoldville Airport, provided a pretext for new charges against the Central Government.

In a public declaration in Elisabethville on May 29, 1962, Mr. Kimba did not hesitate to suggest that the Central Government's measures restricted the liberty of the Katanga delegation and that, consequently, the delegation was negotiating under duress. Thus, he paved the way for Mr. Tshombe once again to repudiate any agreements whenever he felt it necessary.

On May 31, the Central Government published the text of the letter it had sent that day to the Officer-in-Charge of Operations in the Congo. (Annex 71)

Discussions of the methods by which both the freedom and security of the Katanga delegation could be guaranteed occupied the meetings of May 22, 23 and 24.

Finally, both sides agreed on a satisfactory arrangement on May 24. (Annex 72)

The fact that Mr. Kimba's charges were made five days later indicates clearly the reasons for such a declaration.

MR. KIMBA'S UNTRUTHFUL CHARGES OF CONGOLESE NATIONAL ARMY ATTACKS IN NORTH KATANGA

In his remarks on May 29, Mr. Kimba also spoke of the "continuing infiltration" of Katangan positions in the northern part of the province by the Congolese National Army.

As early as May 27, Mr. Kimba had written the UN representative in Elisabethville with similar charges. (Annex 73)

On May 28, Mr. Adoula asked Mr. Gardiner in writing for the establishment of an inquiry commission. (Annex 74)

On June 1, the United Nations informed the Central Government of the results of an aerial reconnaissance it had made over the Dubie area. (Annex 75)

These reported no signs of infiltration.

Although Mr. Kimba was informed of these results, he continued his accusations.

On June 5, Mr. Gardiner officially confirmed to Mr. Adoula the negative results of the aerial reconnaissance. (Annex 76)

THE SENDWE-TSHOMBE INCIDENT

This incident had barely ended when a new difficulty arose.

A bitter exchange between Vice Premier Jason Sendwe and Mr. Tshombe took place on Saturday, June 2, and was immediately exploited by the Katanga delegation in efforts to force a rupture of the talks.

Mr. Sendwe and Mr. Tshombe have long been bitter political enemies and their quarrel is not surprising.

On Monday, June 4, the Katanga delegation made public a communique insinuating that the Central Government had again tried to arrest Mr. Tshombe. (Annex 77)

Mr. Sendwe issued an immediate denial. (Annex 78)

On the same day, Mr. Tshombe formally repeated the charges in a letter to Mr. Adoula. (Annex 79)

Mr. Adoula replied by explaining the situation. (Annex 79)

The next day Mr. Tshombe declared in a private meeting with the Prime Minister (*) that he would not resume negotiations until he had received apologies from Mr. Sendwe.

Mr. Adoula replied by letter the same day, expressing his astonishment. (Annex 80)

Realizing that his insistence might turn against himself, Mr. Tshombe accepted in principle on June 6 to resume negotiations, which gave rise to a new series of letters. (Annex 80)

(*) Mr. Gardiner also participated in this meeting.

The talks began again at 11 a. m.

The next day, the Katanga delegation, quite casually, suspended negotiations once more. (Annex 81)

In a letter to the United Nations Secretary General, Mr. Adoula expressed his apprehensions about possible results from the talks. (Annex 82)

MR. TSHOMBE FALSIFIES THE MEANING OF AGREEMENTS ALREADY CONCLUDED

Less than a week later, Mr. Tshombe deliberately created a new incident.

During a reception tendered by Mr. Gardiner, Mr. Tshombe brought into question the extent of the authority of the military commission agreed upon by the two delegations. (Annex 83)

By this act, he committed a double fault.

In the first place, he broke the agreement of May 24, 1962. (*) According to that pact, the progress of the talks would be made public only in joint communiques.

Secondly, he falsified completely the meaning of the agreement reached on May 29 (Annex 65), in which Article 2 specifically states that "the duty of the Commission (is) to carry out the instructions laid down herein in order to integrate the armed forces of all parts of the Republic of the Congo in an effective manner."

Mr. Tshombe was speaking of this text when he declared: "After three weeks of discussions the only agreements reached are on matters of procedure, while the problems of substance remain untouched." The role of the military commission, he added, "will be simply to make suggestions to the two governments; it will have no power to decide anything by itself." (Annex 83)

It is not surprising that Mr. Adoula's published answer maintains: "These declarations and the false accusations they contain are a deliberate provocation by Mr. Tshombe aimed at disturbing the atmosphere of the talks." (Annex 84)

(*) Extract of the verbatim record of the final talks at Leopoldville, May 24, first morning session, page 7. Mr. Tshombe: "As for the question of the press, I agree to adopt Mr. Gardiner's proposal that one member of each delegation, plus Mr. Rolz-Bennett, should draft the communiques."

NEW AND UNFOUNDED CHARGES BY MR. KIMBA ABOUT ATTACKS BY THE CONGOLESE NATIONAL ARMY

On June 20, Mr. Tshombe accused the Central Government of "sabotaging the understanding so dear to the hopes of the Congolese people" through simultaneous attacks by the Congolese National Army on two regions of North Katanga. (Annex 85)

He again refused to continue negotiations.

The same day, the Prime Minister replied that the Central Government had never ordered such attacks. He insisted on establishing an inquiry commission.

He emphasized that the importance of the talks was so great that nothing should be allowed to serve as a pretext for a rupture just when the negotiations were achieving results. (Annex 86)

In his reply, dated June 21, Mr. Tshombe was unyielding. (Annex 87)

To break the deadlock, Mr. Gardiner wrote to Mr. Adoula and Mr. Tshombe the next day informing them in identical terms that the United Nations was forming observer groups to verify the accusations of troop movements. (Annex 88)

The Prime Minister gave his immediate assent. (Annex 88)

On the other hand, Mr. Tshombe answered evasively, "since this matter falls within the terms of reference of the military commission, it will doubtless be settled as soon as the members of that commission and the observers are appointed." (Annex 88)

The terms in which Mr. Tshombe had falsified the meaning of the agreement on the authority of the military commission on June 12 make it evident that his answer was the equivalent of a refusal.

This is easily understandable in view of the fact that Mr. Tshombe had known since the previous evening that his accusations against the Congolese National Army were false.

As a matter of fact, the United Nations had placed a plane at Mr. Kimba's disposal, permitting him to go to the Kongolo area. The UN had opened to Mr. Tshombe its radio-telephonic installations so that he could learn the truth from Mr. Kimba's own mouth.

The latter was obliged to admit that "there was an engagement, and the situation has returned to normal. There is no attack. I think that is the main

point. We did not consider it necessary to go to the spot because there was no attack." (*)

The two delegations resumed their talks on June 22.

The Katanga tactics had failed once again.

THE FINAL RUPTURE

In a curious letter to Mr. Gardiner dated June 18, (Annex 89) Mr. Tshombe expressed his wish to return to Elisabethville on June 26.

Mr. Adoula agreed to this on June 20, but insisted on reaching a conclusion to the talks before that date. (Annex 90)

(**)

On June 20 and 21, Mr. Tshombe employed Mr. Kimba's lying charges to suspend unilaterally the negotiations.

On June 22, the Prime Minister demanded that Mr. Tshombe spell out his intentions. (Annex 91)

On this note, the talks resumed.

On June 25, Mr. Tshombe informed Mr. Adoula that the agenda had virtually been exhausted. (Annex 92)

In his answer, dated the same day, the Prime Minister declared: "I am delighted to see, as you do, that the agenda of the current phase of our talks has been exhausted. I therefore see no reason why the final joint communique should not be signed this evening." (Annex 92)

At 5:30 in the afternoon of June 25, the negotiations resumed. The meeting lasted until six o'clock the following morning. (***)

Point 2 of the agenda adopted by the two delegations on May 25 had been exhausted during the meeting of June 22.

Since then, the Central Government had been suggesting discussion of a text entitled "special dispositions" in order to settle point 3 of the agenda. This document contained a series of engagements that the two delegations must take. (Annex 94)

However, no agreement could be reached on this text.

Contrary to the wishes of the Katanga delegation, the Central Government's representatives insisted on taking up the final point on the agenda, that regarding the publication of a final communique.

It will be recalled that the question of a joint communique had been broached at the very outset of this final series of talks. The Katanga delegation had demanded that the question be adjourned until the end of the agenda, alleging: "One must not sell the leopard's skin before it has been killed."

Now, Mr. Tshombe wanted this point purely and simply dropped.

It can easily be understood why the Central Government felt strongly that a communique should be published. Since the Kitona agreement, which he had repudiated unashamedly, Mr. Tshombe had not signed a single text with the Central Government which bound him in any way.

In addition, the meaning of the agreements reached during May and June had been distorted by the public statements made unilaterally by the Katangan leaders.

It was therefore very important that the scope of the agreements reached between the two delegations during six months of work be recognized in an official document, signed by both delegations.

Since this point was included in the text of an agenda which it had accepted, the Katanga delegation could not evade it.

After an interruption of two and a half hours, each of the delegations presented a draft final communique. (Annexes 95 and 96)

For the Central Government this resulted in quite a surprise.

Instead of restricting itself to the terms of the agreements already reached, the Katanga communique set forth a series of preliminary considerations to be approved before these agreements could take force. Never, during the course of the Leopoldville talks, had these preliminary considerations been mentioned.

In addition, point 7 of the draft communique demanded that the Katangan constitution remain in force.

The Katanga delegation's desire for a breakdown in the talks was clearly

(*) This passage is drawn from the radio-telephonic conversation between Mr. Kimba in Elisabethville and Mr. Tshombe in Leopoldville on June 21, 1962. The conversation was published on Page 2 of Annex 40 of the UN document S/5053/Add. 10/Annexes.

(**) See the preceding chapter

(***) The summary record of this final meeting is contained in Annex 93.

shown in this document, which was of obvious bad faith.

Then, Mr. Tshombe refused to accept the draft presented by the Central Government.

It should be noted that this draft communique limited itself to naming the agreements reached, and, beyond this, contained only concessions on the part of the Central Government - an engagement "to submit to the Legislative Chambers, within a period of three months, a draft federal Constitution which will take account of the various regional identities" and "a general political amnesty for Katanga." Only the expression, "President of the Province of Katanga," raised a question of principle which may have been capable of causing disagreement by the Katanga delegation.

Since the talks were moving into an impasse, Mr. Tshombe made the following statement: "If we all are of good-will, I would like to propose one thing. We have accepted Mr. Gardiner as the representative of the United Nations. Let's give him our two drafts, and leave it up to him. Let Mr. Gardiner study the two texts and make us proposals for finding a compromise."

Mr. Tshombe's proposal was approved immediately by the Central Government delegation.

After an hour's interruption, Mr. Gardiner presented his draft. (Annex 97) This text was no more than a reproduction of the agreements already reached between the two delegations. Beyond that, it included all the concessions made by the Central Government. It avoided all expressions which might have brought objections from the Katangan delegation.

Having run out of arguments, Mr. Tshombe refused to sign because the text was not complete.

In other words, Mr. Tshombe refused to sign Mr. Gardiner's proposal because he was counting on imposing his own conditions on the Central Government.

His refusal to accept any compromise whatsoever became plain. Mr. Gardiner's second attempt at conciliation ended in failure.

But this was not all.

Mr. Tshombe was not content to break off negotiations. He wanted the rupture to be insulting.

While Prime Minister Adoula was making one last effort to preserve the progress made in long months of discussions and trying to bring the Katanga delegation to a point-by-point examination of the Gardiner text, Mr. Tshombe walked out of the meeting, declaring: "I am leaving, but I give a free hand to my collaborators. If they agree, I shall sign the final communique freely. Mr. Kibwe will make the final decision."

It was 2:15 in the morning of June 26.

As soon as he crossed the threshold, Mr. Tshombe handed the assembled reporters a unilateral press release dated June 25 (Annex 98)

No reference was made in it to the different drafts of the communique discussed by the two delegations. Obviously, the release handed to the press antedated those discussions.

His tactics were evident. He said the talks had been suspended temporarily, but he actually was breaking them off in a particularly offensive manner.

At dawn, when Prime Minister Adoula learned of Mr. Tshombe's communique, he called a halt to the meeting and held a press conference (Annex 99) in which he exposed the obvious duplicity of the Katanga leaders.

AFTER THE RUPTURE

The events that followed the rupture confirmed that henceforth Mr. Tshombe intended to impose a solution by force on the Congo.

On June 27, in a deliberately insulting gesture, he offered to put 100,000,000 francs at the disposition of the "Government of Leopoldville." (Annex 100)

On June 28, Mr. Adoula offered to reshuffle his cabinet in order to make room for Mr. Tshombe's Canakat party in the Central Government, but Mr. Tshombe refused. (Annex 101)

On July 11 at Elisabethville, Mr. Tshombe celebrated aggressively and provocatively the second anniversary of the alleged "independence of Katanga" with a major military demonstration that violated all his engagements with the United Nations.

CONCLUSIONS

The final series of talks in Leopoldville confirmed the Central Government in its conviction that Mr. Tshombe was not seeking to negotiate, but rather to impose a solution of force.

The first conciliation attempt by the Officer-in-Charge of United Nations Operations in the Congo proved that the Katanga leaders answered concessions by stiffening their own demands.

Mr. Gardiner's second conciliatory endeavor attempted to bypass the obstacles to ending the Katanga secession by avoiding questions of principle; it only succeeded in giving a new demonstration of Katanga's duplicity.

While the Katanga delegation participated with an appearance of good faith in the meetings, Katanga's leaders in Leopoldville and Elisabethville unleashed a violent campaign of slander and insult against the Central Government.

The content of the agreements reached was systematically misinterpreted in the public declarations of the Katangans. When the agenda was exhausted, the Katanga delegation refused to sign a joint final communique, limiting itself to recording the agreements. Then it published a unilateral communique in a deliberately insulting gesture toward the Central Government.

Upon his return to Elisabethville, Mr. Tshombe clearly demonstrated to the Central Government his intention to continue the Katanga secession as long as necessary in order to impose a solution of force on the Congo.

SUMMARY OF CONCLUSIONS

This study of the various episodes of the Adoula-Tshombe talks shows clearly that the Central Government was wasting its time in agreeing to discuss peaceful means to reintegrate Katanga into the Congolese State.

When Mr. Tshombe displayed a desire to negotiate with the Central Government in mid-December, he was being deceitful.

He deceived also that part of world public opinion which is devoted to peace and justice.

As a matter of fact, his only wish was to halt the military operations in Katanga which were about to overpower the Katanga secessionists.

The Central Government does not regret having accepted the negotiations. It has always disliked the use of force. It did not want to refuse any possibility of ending the suffering of the people of Katanga.

On the other hand, the Central Government feels it has the right to regret that public opinion, particularly in certain western countries, has never appreciated the justice and realism of its attitude.

It also regrets that some segments of public opinion in these countries, under the cover of pacifism, have inadvertently become accomplices of the Katanga leaders' bad faith and their dishonest use of the major concessions made to them.

The Central Government does not consider that a charge of bad faith is gratuitous, but carefully based and fully demonstrated in the present White Paper. The major outlines of Katanga's tactics are clearly demonstrated by this presentation of facts.

At first, the Katanga leaders attempted to create and to maintain a

certain ambiguity about their intentions.

Effectively, they were aware that a continuation of their secessionist approach and their intention to impose a forceful solution on the Katanga crisis would have resulted in their inevitable defeat.

They needed to give a different impression. In the first place, they wanted to make it appear that they were trying to end the Katanga secession; in the second, they intended to avoid making any real concessions so as to preserve their future.

It was in order to create this confusion that Mr. Tshombe signed on December 21, 1961, the Kitona Agreements while at the same time insuring they would have no practical application.

To accomplish this, he insisted that he had no authority to enter into agreements and that he had signed under duress.

To maintain this equivocation, he observed part of the Kitona Agreements and acted as "Provincial President of Katanga" at the very moment he was consolidating the secession.

To maintain this equivocation, he accepted the mandate conferred on him by the Katanga Provincial Assembly on February 15.

The very terms of this mandate were contradictory. When talks resumed in Leopoldville, the Central Government's delegation lost several days pointing out these contradictions.

Finally, the Katanga delegation was cornered on March 23.

Unable to escape from its contradictions, it was forced to unmask and to reveal its real intentions.

At that point, Mr. Kitenge, a Katanga delegate, declared:

"We are an independent state but internationally we are not recognized as such. We cannot continue to live in this condition and that is why we are here."

The ambiguity was displayed for all to see.

But Mr. Tshombe had gained three months.

In its desire to neglect nothing that could end the Katanga secession peacefully, the Central Government decided to continue the talks.

At this point, the Katanga tactics entered their second phase: a progressive hardening of its attitude while it unleashed an ever more violent campaign of slander against the Central Government.

This second phase started during the first series of talks at Leopoldville from March 18 to April 18, 1962.

Mr. Tshombe confined himself to a few summary and farfetched proposals while the Katanga delegation avoided limited accords proposed by Mr. Adoula in order to end the suffering of the people of North Katanga.

The second phase became more obvious during Mr. Gardiner's two attempts to reconcile the points of view of the Prime Minister and Mr. Tshombe.

In his first effort, the UN representative tried to bring together as much as possible the divergent ideas of the two parties.

He discovered rapidly that any concessions he made only served to encourage the Katanga leaders not to make reciprocal concessions but to stiffen their attitude.

In his second attempt, which resulted in the second series of Leopoldville talks from May 21 to June 26, 1962, Mr. Gardiner tried to get the two delegations to agree on concrete measures to end the Katanga secession. Questions of principle were avoided as much as possible.

Katanga's delegation could not ignore such advantageous conditions.

Nevertheless, while the Central Government based its discussion frankly on the major concessions it had made, the Katangan leaders adopted another, less honest approach.

They handled themselves in such a way that a breakdown in the talks would not be blamed on them and used every possible means to discredit the Central Government so that they could avoid with impunity any precise agreement.

Mr. Tshombe began by baseless personal attacks on Prime Minister Adoula.

Then, he claimed that the Katanga delegation had no freedom in Leopoldville.

What is worse, he falsified in his speeches the content of the agreements reached with the Central Government.

The Katanga leaders sought every occasion to provoke a rupture of the negotiations, exploiting the slightest incident during the meetings. They accused the Central Government several times of trying to provoke a breach by launching military operations in North Katanga.

Each time, these charges were proved to be false.

At that point, the Katanga delegates could only suspend the talks in a deliberately offensive manner and refuses to make any precise engagements while they trumpeted their desire to continue the talks.

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Thus, during the six months that the negotiations lasted, the Central Government maintained a firm but conciliatory attitude.

However, on their side, the Katanga leaders throughout this period consolidated their secession while they negotiated in a manner that is hardly honorable.

They renounced their engagements without the slightest scruple; they shifted their stand continuously during the talks; they continued deliberately the ambiguity about their authority and their intentions; they misinterpreted without shame the agreements they had reached. They were all duplicity when they were weak, all arrogance when they regained strength.

Their methods were equal to the illegality of their cause.

It is evident that the Central Government can hardly lend itself to further such a farce in the interest of the people it rules.

Nevertheless, it still is willing to welcome any attempt by the Elisabethville leaders to reach a real solution to the Katanga crisis.

One can only hope that when all intentions stand revealed, Right and Justice are not further still from victory.

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ANNEX 1

Excerpt of a statement by Joseph Ileo, Minister of Information
and Cultural Affairs, dated December 18, 1961

Certain countries are seeking to impede the action of the United Nations in Katanga by demanding an immediate ceasefire. Those countries advocate a meeting of Prime Minister Adoula and Mr. Tshombe.

We wish to recall that the Central Government has never been opposed to a meeting with Mr. Tshombe. It is ready to receive him at any time. This meeting cannot be held outside the Congolese territory.

The Katangan problem is indeed an internal matter of the Congo. The Government of Katanga is a provincial government. It exists by virtue of the Fundamental Law of May 19, 1960 which rules the country. The Government of the Congo Republic has the duty to respect this law. Therefore, it cannot go outside the country to settle its internal problems. Their settlement, whether that of Katanga or others, can only be achieved through respect of the law.

ANNEX 2

The Eight Points of Kitona ⁽¹⁾

21 December 1961

The President of the Government of the Province of Katanga:

- (1) Accepts the application of the Fundamental Law of May 19, 1960.
- (2) Recognizes the indissoluble unity of the Republic of the Congo.
- (3) Recognizes President Kasavubu as Head of State.
- (4) Recognizes the authority of the Central Government over all parts of the Republic.
- (5) Agrees to the participation of representatives of the Province of Katanga in the Governmental Commission to be convened at Leopoldville on 3 January 1962 with a view to study and consideration of the draft Constitution.
- (6) Pledges himself to take all necessary steps to enable deputies and senators of the Province of Katanga to discharge, from 27 December 1961, their national mandate within the Government of the Republic.
- (7) Agrees to the placing of the Katanga gendarmerie under the authority of the President of the Republic.
- (8) Pledges himself to ensure respect for the resolutions of the General Assembly and the Security Council and to facilitate their implementation.

(1) The document bears President Tshombe's signature

ANNEX 3

Letter from President Tshombe to Mr. Ralph Bunche, Under-Secretary for Special Political Affairs of the United Nations, transmitting the preceding document.

Kitona, 21 December 1961

I have the honour to communicate to you herewith the text of a declaration that I propose to make following the conversations just held by my delegation with the delegation of the Central Government.

I would however draw your attention to the fact that the haste with which my journey was made did not allow me the time to consult the competent authorities of Katanga so as to be authorized to speak on their behalf.

I accordingly propose to do this on my return and to inform the Central Government of the steps to be taken with a view to the application of the enclosed declaration.

(Signed) Moise TSHOMBE
President of the Government of
the Province of Katanga

ANNEX 4

Statement made to the press in Brussels by
Mr. Evariste Kimba on December 28, 1961

The President of Katanga, Mr. Moise Tshombe, has sent me on an information mission to Europe.

First of all, it seems important to me to describe the circumstances of this mission. Upon his return to Elisabethville, President Tshombe held a press conference about the Kitona talks. During this conference, Mr. Tshombe explained in detail the various episodes of these talks. We were very surprised to see that this press conference received little attention, especially since it was held in order to dispel the confusion which resulted from the ambiguous news, disseminated in such dribblets, about the talks between Mr. Adoula and Mr. Tshombe.

Fearful of the collusion among certain news agencies at Elisabethville, and of certain occult influences from the United Nations and the State Department and wishing to enlighten world opinion on what really happened at Kitona, President Tshombe asked me to make a personal information tour around the great European capitals.

Confident of the traditional honesty of European journalists, the President hopes that because of this mission of mine, public opinion will at last be informed in all seriousness about the negotiations at Kitona, and will be alerted to the grave questions which have resulted from them.

As long as the conversations were held solely between the Leopoldville delegation and that of Katanga, the atmosphere was excellent. On both sides, there was a disposition for concessions.

The Leopoldville delegation, and especially Mr. Adoula and Mr. Bomboko, admitted that the Fundamental Law was blemished by very basic errors, and that it responded in absolutely no way to the present-day structure of the former Belgian Congo. Mr. Adoula and Mr. Bomboko added, moreover, that a governmental commission is now charged with drafting a new constitution to replace the Fundamental Law in its entirety. This constitution should take cognizance, realistically, of the present situation in the Congo, and especially of the position of fact which Katanga had obtained for itself.

So President Tshombe was able to inform his entourage that the meeting was progressing in a fraternal atmosphere, but the situation changed radically after the Ambassador of the United States, Edmund A. Gullion, met with Mr. Adoula during an adjournment of the meeting. The latter suddenly stiffened his position and tried to force Mr. Tshombe to sign a document which was in effect a pure and simple declaration of allegiance by Katanga to the Central Government (This document is presented in Annex 1).*

President Tshombe refused to sign and offered his own document.
(Presented in Annex 2).**

It will be noted in passing that President Tshombe is living up to the agreements to which he freely subscribed; but his own text was rejected by Mr. Adoula when Ambassador Gullion intervened once more.

The negotiations were deadlocked and Mr. Tshombe decided to return to Elisabethville. It was then that the representatives of the American State Department and the United Nations intervened in a dictatorial manner. Ambassador Gullion proposed an eight-point text which went far beyond the positions adopted by Mr. Adoula and Mr. Bomboko at the start of the conference. (This text is presented in Annex 3).***

President Tshombe refused categorically to sign this act of surrender. Ambassador Gullion intervened and bluntly informed the President that either he signed or Katanga would be wiped out.

Faced with the brutality of this intervention, and following talks between the members of the Katanga delegation and the United Nations -- with Mr. Gardiner, in particular -- the President agreed to transmit the text of the declaration proposed by Mr. Gullion, covered by a letter to the Under-Secretary General. Mr. Bunche acknowledged receipt of this letter (Annexes 4 and 5).

It is at this stage that the American State Department and especially its representative, Mr. Gullion, played a particularly suspicious role. In fact, the letter from the President to Mr. Bunche is as important a document as the eight-point declaration. Ambassador Gullion purposely failed to make the least mention of it. He simply proclaimed that President Tshombe had come to an agreement in full view of the whole

* See Annex 7 of this White Paper

** See Annex 9 of this White Paper

*** See Annex 2 of this White Paper

world, but he did not give many details on the nature of this agreement.

The truth of the matter is that the State Department had an urgent need of a diplomatic victory, following the criticism which was made of its intervention in Katanga. Let me be permitted to say they were not finicky about choosing their means.

Because of President Tshombe's reservations, the denigrations of Katanga have continued systematically in world opinion. Not only are there under-handed actions - especially in press campaigns - but also certain representatives of high authorities have openly attacked Katanga. For example, Mr. Mennen Williams, official spokesman of the State Department, recently declared in the United States that President Tshombe's procedures made no sense at all, that the Katanga Parliament was only a "rump" Parliament because it was composed only of members of Mr. Tshombe's own party. Can it be possible that Mr. Mennen Williams -- who was not making his first asinine statement about the Congo -- does not know that the Katanga Parliament is none other than the Parliament which was democratically elected under the regime of the so-called Fundamental Law of June 30, 1960?

For many months now, we have continued to proclaim our desire to find a *modus vivendi* with the Leopoldville authorities which would be acceptable to both of us, and profitable to Katanga as well as to all of the former Belgian Congo.

Must we recall again that as early as August 4, 1960, the Katanga Constitution proclaimed in its first article, line 3, that the State of Katanga "adheres to the principle of association with other parts of the former Belgian Congo, provided they, too, respect order and the law. It will open negotiations with a view to establishing with them a confederation founded on the equality of all the participants."

Since the Kitona talks, President Tshombe has been more convinced than ever of the possibility of reaching an understanding among the Congolese, but they are numerous, those who do not want to hear of a real agreement between Leopoldville and Elisabethville, and who, because they think it's in their interest, demand Katanga's capitulation.

At Kitona, as President Tshombe wrote in conclusion of the *aide-memoire* which he gave me for my mission, "we were almost dealing with America and the United Nations, rather than with Adoula and his colleagues."

It is time to unmask all these pressures, based on self-interest, whether it be those placed by Moscow or by Nehru or by the State Department, and by certain irresponsible employees of the United Nations, or again by certain Swedish-American financial interests.

At a time when the resumption of diplomatic relations between the governments at Brussels and Leopoldville has brought great hope to the Congolese people, everything should be done so that the Congolese may, in complete independence and complete sovereignty, draw up the blue-prints for the house in which they wish to live together.

The West also would profit from this. When, in Europe and America, will the governments understand that nothing is more prejudicial to them than the evolution of the present situation in the Congo, than the destruction of order there where it does exist, than the invitation to trouble, which is what the use of force and violence really means?

Can it really be believed that the West will profit more from a total desire to bring down a Katanga which will never capitulate, than it will from the value to the whole Congo of a Katanga where blacks and whites are working in an orderly society, with a mutual solidarity, towards a Congo of tomorrow?

ANNEX 5

Extract of verbatim report of Kitona meetings;
first morning session, December 20, 1961, pp. 6, 7.

TSHOMBE: We believe the Leopoldville authorities want to impose a constitution on us, as did the Belgians with the Fundamental Law. I propose that the commission which has been appointed to study constitutional reform meet in Elisabethville with our participation.

BOMBOKO: We cannot link the drafting of the constitution with the solution of the present problem.

You have the right to participate in the drafting of this constitution. Your absence is caused by the present situation of the Province of Katanga. There are other people who defend the same point of view as you. For example, there is Mr. Kalonji who illegally created his province of South Kasai. He is now in Leopoldville seeking the victory of his own opinion by basing his arguments on the Fundamental Law. The Bakongo are in the same situation, and out of respect for the Fundamental Law they have promised their support to the provincial government of Leopoldville until the country will have a new constitution.

In order to arrive at a solution acceptable to all of us, we must use the Fundamental Law as the point of departure.

KIBWE: We are faced with two things: the imperfect Fundamental Law and the secession of Katanga. What is the compromise between these two points which will enable us to wait for the adoption of a constitution by the legal institutions?

BOMBOKO: What you have just said means that the Fundamental Law does not exist in your opinion?

KIBWE: Not only does the Fundamental Law not exist for us, it is inapplicable to us.

BOMBOKO: Then you mean to say that we must completely ignore the Fundamental Law and find other ways to end the Katangan secession?

KIBWE: Yes, because if President Tshombe were to return to Elisabethville and say that the secession is now over and we are going to apply the Fundamental Law, a lot of things would happen.

BOMBOKO: I have been asking side-questions so that we will be using the same terminology and therefore avoid ambiguity during the talks; this is the only way to reach a solution.

ADOULA: As for the compromise asked by Mr. Kibwe, I should like to remind him that in the beginning I explained the various stages to be passed before arriving at the adoption of the constitution. That's why I asked you to start from the existing basis of discussion, the Fundamental Law. There is a long road ahead of us, and what are we going to do during this so-called "transition period?" Any act outside the Fundamental Law will be illegal, and unacceptable on the international level. We do not have a mandate here to put aside what exists.

In taking the present situation and the transition period into account, we must base ourselves on solid foundations -- the Fundamental Law. There is a procedure to be followed after the adoption of the constitution. We have the obligation to uphold the law, this is our executive role. You must surely have an idea of the question, because you were the inviting party for this meeting. As for us, all discussion must be based on the Fundamental Law and not on something else. If we reach agreement, you can announce to the people that you have given recognition to the Fundamental Law and that during the transition period it has been decided that a commission will meet either at Leopoldville or elsewhere to prepare the draft of the new constitution, which will be presented to another commission and finally to Parliament for its adoption.

By what law does Mr. Tshombe consider himself to be president of Katanga, if you completely deny the validity of the Fundamental Law?

KIBWE: In summarizing your thoughts, Mr. Prime Minister, it amounts to your asking us to apply the Fundamental Law. If, after our talks, President Tshombe were to announce that we were applying the Fundamental Law, do you believe this would be accepted? For more than a year we have been fighting, there have been deaths -- and all this against the Fundamental Law. I don't believe it is possible at this time to announce to the people that we have given complete acceptance to the Fundamental Law.

We are in agreement over becoming part of the Republic of the Congo, but on condition there is a law which is satisfactory to all of us.

ADOULA: The constitution is my objective, also, but we cannot ignore the Fundamental Law, which is at present the only basis for our discussions.

In the agreement which we made with President Tshombe, there was the question of the participation by a Katangan delegation on the commission which was to present a study on constitutional reform. It is not our fault if you are not taking part in the work of this commission, on which you might even find allies for the cause which you are now defending.

ANNEX 6

ibid., complete text of second and final morning session
(noon to 2:30 p.m.) December 20, 1961, pp. 10-16

KIBWE: We agree in principle to remain within legality, but given the situation of fact in Katanga, we cannot announce bluntly to the people that we now recognize the Fundamental Law.

First, we ought to propose the articles to be changed, while waiting for adoption of the constitution.

TSHOMBE: For December 27, we will send our Parliamentarians and draft changes for certain articles of the Fundamental Law and on January 3, 1962, we will designate the members who will represent us on the commission which will work on the draft constitution.

ADOULA: Let's hope that Kitona will have its place in Congolese history for having solved the problem of Katangan secession.

TSHOMBE: Couldn't you make a declaration renouncing the use of force in Katanga?

BOMBOKO: The use of force is the monopoly of the central authority. It's very dangerous if certain individuals are able to use force, as is the case of Katanga. Is there in Katanga a gendarmerie commanded by the Chief of State, as provided for in the Fundamental Law? For me, the return to legality, that is to say, respect for the rules accepted by all of us, is absolutely necessary. If we were involved in a situation by which the Balubas of Katanga were against your legal authority, it would not be the Katanga gendarmerie alone which would put down this rebellion, but all the gendarmeries of the Republic. In order to eliminate the danger of the use of force, we must absolutely get back to simple principles -- acceptance of the Fundamental Law. The army and the gendarmerie must be commanded by the Chief of State. A certain number of gendarmes will be placed at the disposal of each provincial president to keep order, while permitting, at the same time, organization of internal police. This is the only way to avoid the chaotic situation which exists now. I agree that we must make changes in the army and the gendarmerie. During our trouble, we had the choice between an international army, and the army of a specific nation. Taking certain things into account, the government appealed to the United Nations to help us restore order and peace in the Republic. Since in the beginning, the Congolese authorities agreed, then there is no longer a problem about the United Nations forces in the Congo. The activities of the United Nations depend on ourselves. The United Nations should maintain order, but under our control, until such time as we will have an army and gendarmerie capable of doing this. There are units in the army which are good ones, and which could collaborate with the United Nations.

KIBWE: On leaving Elisabethville, we left a war. We want it to end and we want the United Nations to leave and allow us to work in a calm atmosphere.

ADOULA: As long as the Katangan gendarmerie is armed, nothing can be done to prevent a war which it declared against the United Nations. In my opinion, this question depends in part on you, because this gendarmerie gets its orders from you, and not from us. How do you expect us to intervene in Katanga, in view of the insubordination of both the Katangan gendarmerie and the provincial authorities? We know that if one of the warring parties openly abandoned the war, the other would be forced to do so too. While waiting for the Fundamental Law to become the basis for discussion for all of us, we have to admit that there is a need for guarantees on the use of force.

KIBWE: Against whom, this use of force? It's all relative.

TSHOMBE: We have already made a little headway; can't we set up another meeting to continue our talks? We are all agreed on the political problem and we cannot pretend to be able to solve all our questions at this meeting. The war in Katanga is an urgent problem.

BOMBOKO: The United Nations is here because of our appeal to it, and there is a UN resolution which provides for military and para-military aid to the Central Government for keeping order in the Congo. Why is there a state of war in Katanga between the international forces and our Katanga brothers? This situation exists because there is no order in Katanga, in addition to the secession. We are now on the way to solving the secession problem. The state of war in Katanga could be suppressed only if the armaments in Katanga were suppressed, and the United Nations is obliged to intervene to prevent civil war in the Congo. To do away with the reason for UN intervention in this affair, the causes for it have to be eliminated first.

MWENDA: If I have understood correctly, we have to disarm the Katanga gendarmerie?

BOMBOKO: The gendarmerie must lay down its arms.

MWENDA: How are you going to accomplish this, with the present feeling of the people?

BOMBOKO: Are you afraid then, of a popular reaction?

MWENDA: How are you going to go about the disarmament of our gendarmerie?

BOMBOKO: We have no intention of telling ourselves that now the Katanga gendarmerie is disarmed we will march off on a conquest of Katanga. As long as each side keeps a personal army, there will continue to be the danger of resuming hostilities.

ADOULA: Could you affirm or deny that no other person would be able to take over this gendarmerie? Just how do you see the grave situation which exists in Katanga?

How can we say to this gendarmerie, "Don't fight anymore!" The United Nations is fighting in Katanga for its own security and for a resolution voted by the Security Council concerning the expulsion of

mercenaries from Katanga. As for us, we want a political objective which would mean the end of the secession. And if we send our troops to Katanga, it is not to make war, but to keep order. The objectives sought by the United Nations should be kept separate from the objectives we are seeking here. The United Nations says it is seeking a military objective contained in one of the resolutions of the Security Council. Are we now to say to the United Nations that they should stop fighting because we have reached a political objective? From your side, you are defending a political objective -- which is the province's secession -- and a military objective -- which is war with the United Nations.

KIBWE: The Prime Minister has just said that the Central Government has no right to intervene because the United Nations is carrying out a resolution of the Security Council.

GBENYE: If you accept the Fundamental Law, the Katanga gendarmerie would by law come under the jurisdiction of the Central Government, and at that time we could prevent the war in Katanga.

ADOULA: Can you certify to me that I can order the Katanga gendarmerie to lay down its arms?

BOMBOKO: So long as we don't come back to the Fundamental Law, we will never get out of our difficulties. There was an agreement in Leopoldville with Mr. Tshombe and we sent officers to Katanga to take charge of the gendarmerie; unfortunately, no part of this was observed by the Katanga authorities. Who can make the United Nations leave if there is no army which is under the control of an authority?

TSHOMBE: These armed forces were born out of distrust. We distrust you and the others. As soon as this distrust has evaporated, force will no longer be justifiable. It's through sincere relationships that we will be able to eliminate this distrust. The arrival of our Parliamentarians in Leopoldville, the participation of our members on the Constitutional Commission, and another meeting between us will eliminate this distrust.

ADOULA: You would think we were the ones who are distrusted the most. Up to now, you are the one who is imposing conditions. You talk about sending your Parliamentarians, about the participation of your members on the Constitutional Commission, etc... What guarantees do I have that this will be carried out when you return to Elisabethville?

We faced up to our responsibilities in coming here to Kitona to meet you, and public opinion is watching us. What are you doing to stop the killing in Katanga, because in fact you have the authority over this gendarmerie?

KIBWE: If it depended on us we would tell the gendarmerie to stop, and that would be the end of that. The United Nations gave you reports on the situation in Katanga and talked to you about plots by the gendarmerie against the UN. Since the resolution was voted, we have not had contacts with the representatives of the United Nations, by which they may

have asked us to repatriate the mercenaries. To say they are using force for the evacuation of the mercenaries is completely false. To pretend we have prevented their movements in Katanga also is false. We have never had contact with the representatives of the United Nations for the evacuation of mercenaries.

- TSHOMBE: You are badly informed in Leopoldville on the situation in Katanga, and I suggest that you send two persons to Elisabethville to see for themselves. Obviously we will facilitate the operation, so you may be well informed about the situation.
- BOMBOKO: There are mercenaries in Katanga who are at war. There is an army in Katanga and its control is outside the Central Government. It is true that the Fundamental Law gives the Central Government the right to control the Katanga gendarmerie, but this is not now the case. It is only when we will have control over this army that we will meet with the United Nations for a ceasefire in Katanga. Is there something we can say to this gendarmerie?
- KIBWE: I am going back to the reasoning of the Prime Minister to state that we are not responsible for this situation. The truth is that you are indifferent to the killing in Katanga and you want the suppression of the Katangans so that you can take over afterwards. It is not possible for us to tell these gendarmes today that they are under the control of Leopoldville.
- ADOULA: You cannot continue the war. You talk of a secession that is a fact, and you reproach us for basing ourselves on juridical considerations to end this situation. Would you allow me to make an appeal to the Katanga gendarmerie not to fight anymore and to negotiate at the same time with the United Nations for stopping their attacks? We have a common responsibility, because we are acting within the law and you are acting from fact. If we have the guarantee that your gendarmes will listen to us, then we will negotiate from the basis of the law.
- KIBWE: Since it is not possible for us in the present circumstances to do anything for the Katanga gendarmerie, would you allow us to authorize the gendarmes, in your name, to stop fighting and to say that you are negotiating with the United Nations for a cessation of hostilities?
- ADOULA: We haven't wanted to introduce such haggling in our talks and it is a fact that authority over the Katanga gendarmerie is not ours.
- BOMBOKO: Any ceasefire presupposes an agreement, and you are the ones who should sign this agreement.
- TSHOMBE: I said that we came here to lay the groundwork of our relations, which needed to be better, and to continue our talks during a later meeting. I believe we have laid this groundwork. We should therefore leave here with detailed information, but we cannot end all these problems today.

BOMBOKO: We are in an impasse, we are not getting anywhere. There is a dangerous situation in Katanga. If we get together politically, the question of the army also will be solved and there will be no more war in Katanga. We have to think about world opinion. In certain countries, it is felt that our meeting should end hostilities in Katanga.

The United Nations is in the Congo to help us and it so happens there are resolutions which we have to respect as members of the United Nations. Our relations with the United Nations depend on the amount of understanding there is among the Congolese. Do you believe that the simple fact of listening to each other here is enough to solve that question? I believe that we should take a solemn engagement here to respect all the resolutions of the Security Council and the General Assembly and from that moment there will be no more problems.

KIBWE: I'm sorry there were never any discussions between us and the United Nations for the evacuation of mercenaries.

TSHOMBE: On August 28 we did not oppose the United Nations, because then it was a matter of evacuating mercenaries. On September 13, the United Nations opened hostilities, with your warrant to arrest us, occupy the radio station and the post-office. They killed sentries -- 70 policemen and gendarmes. It was absolutely not a question of evacuating mercenaries. The United Nations forces at Jadotville tried to neutralize the military camp there. It will be necessary to send a commission of inquiry about these facts.

GBENYE: The Central Government recognizes you as President of the Province of Katanga.

TSHOMBE: The United Nations telephoned me to warn me that they had a warrant from the Central Government to arrest me. At 4 a.m., they encircled my residence and when they began firing the first shots I telephoned the United Nations to tell them this, and they told me they had already arrested my colleagues and they also were to arrest me.

KIBWE: We already knew about the arrests they were going to make through a report from our intelligence services. Some colleagues took the precaution of spending the night elsewhere -- the President and I stayed in our homes. When the situation got worse, they told me it wasn't up to them and that it was our Congolese brothers who had asked for our arrest. After my arrest, they sent a telegram to Leopoldville to obtain information on this subject, and since they received no answer they freed me. In addition, they gave me a laissez-passer so I could go to Mr. Tshombe's home and try and convince him to accept negotiations with Leopoldville. All this happened on September 13.

BOMBOKO: It is regrettable that we are alone here, without the representatives of the United Nations Operation in the Congo.

KIBWE: Up to now we have never discussed the evacuation of mercenaries with

the UN representatives. The use of force would have been legal if we had refused evacuation of the mercenaries, after discussions. (Project No. 1) *

MWENDA: You demanded eventual guarantees from us; I, therefore, will remain with you in Leopoldville.

TSHOMBE: I cannot accept my responsibilities, because I would be disavowed when I asked the gendarmerie to lay down its arms. In order to make this statement, I will have to consult first of all with the members of my government, as well as the provincial assembly.

ADOULA: We are all fully competent as plenipotentiaries, and we can accept our responsibilities. We cannot return to Leopoldville with empty hands after a day of work.

(the meeting was suspended from 2:30 p. m. to 3 p. m.)

ANNEX 7

First draft declaration presented by Central Government delegation,
second morning session, December 20, 1961

The delegation of the Government of the Katanga Province, represented
by:
Messrs Moise Tshombe, President
Jean Kibwe, Minister
Odilon Mwenda
Justin Meli

recognizing the need to bring back peace in the Province of Katanga,

anxious to allow the country to regain its calm and security and to
work for the well-being and the prosperity of its people,

determined to arrive at a genuine national reconciliation and convinced
that the Fundamental Law of May 19, 1960, on the basic structure of the Congo --
although its enforcement is sometimes difficult -- remains the Charter of the country
until new institutions have been set up, the terms of which are still to be discussed in
accordance with the dispositions of said Fundamental Law,

in order to secure the return of the Province of Katanga into the
national community,

* See Annex 7 of this White Paper

STATES THAT:

- 1) The Republic of the Congo is a democratic and indivisible entity;
- 2) President Kasavubu is Chief of the united State of the Congo;
- 3) The Central Government, legally installed by Parliament, has authority over all regions of the Republic, including the Province of Katanga;

To this effect, decides that

- 1) The delegation of the Province of Katanga shall pledge to take all necessary steps and to offer every facility to enable the deputies and senators of the Province of Katanga to exercise their national mandate within the Parliament of the Republic, as of December 27.
- 2) It will send its representatives to Leopoldville not later than January 3, 1962, to sit with the government's Constitutional Commission.
- 3) The Katanga gendarmerie shall be placed from now on under the authority of President Kasavubu, to whom it will owe respect and obedience.
- 4) Any measures previously taken which are liable to remove Katanga from the authority of the Central Government of the Republic of the Congo are null and void.
- 5) The delegation of the Provincial Government of Katanga promises to respect the resolutions voted by the General Assembly and the Security Council and to help put them into effect.

ANNEX 8

Second draft declaration presented by Central Government Delegation,
first afternoon session, December 20, 1961

The delegation of the Government of the Katanga Province, represented by:

Messrs. Moise Tshombe, President
Jean Kibwe Minister
Odilon Mwenda
Justin Meli

recognizing the need to bring back peace in the Province of Katanga,

anxious to allow the country to regain its calm and security and to
work for the well-being and the prosperity of its people,

determined to arrive at a genuine national reconciliation and convinced that the Fundamental Law of May 19, 1960, on the basic structure of the Congo -- although its enforcement is sometimes difficult -- remains the Charter of the country until new institutions have been set up, the terms of which are still to be discussed in accordance with the dispositions of said Fundamental Law,

in order to secure the return of the Province of Katanga into the national community,

STATES THAT:

- 1) The Republic of the Congo is a democratic and indivisible entity;
- 2) President Kasavubu is Chief of the united State of the Congo;
- 3) The Central Government, legally installed by Parliament, has authority over all regions of the Republic, including the Province of Katanga;

To this effect, decides that

- 1) The delegation of the Province of Katanga shall pledge to take all necessary steps and to offer every facility to enable the deputies and senators of the Province of Katanga to exercise their national mandate within the Parliament of the Republic, as of December 27.
- 2) It will send its representatives to Leopoldville not later than January 3, 1962, to sit with the government's Constitutional Commission.
- 3) The Katanga gendarmerie shall be placed from now on under the authority of President Kasavubu, to whom it will owe respect and obedience.

ANNEX 9

Draft of declaration presented by Katangan delegation,
third and final afternoon session

Recognizing the need to create an atmosphere of peace in Katanga and in the entire Congo,

anxious to allow the country to regain its calm and security and to work towards the well-being and prosperity of the people,

determined to arrive at a true reconciliation,

convinced that the Fundamental Law of May 19, 1960, covering the

basic structures of the Congo -- although its enforcement is not always easy -- remains the country's Charter until new institutions have been established,

in a desire to safeguard the unity of the former Belgian Congo on the basis of agreements concluded at the Tananarive Conference:

- 1) President Tshombe asserts that as of now, he is renewing relations with other parts of the Congo,
- 2) That he will take all necessary steps to enable the Katangan members of Parliament to leave for Leopoldville in order to arrive by December 27, 1961, with a draft bill to modify certain provisions of the Fundamental Law.
- 3) That he also promises to send on January 3, 1962, a Commission to participate in the drafting of the future Constitution of the Congo;
- 4) To conclude, President Tshombe, always desirous of seeing the unity of the Congo safeguarded, suggests a new meeting with Prime Minister Adoula on January 15, 1962.

Kitona, December 20, 1961.

(signed) President TSHOMBE

ANNEX 10

Extract of verbatim report of Kitona meetings:
first afternoon session, December 20, 1961, p. 16

- ADOULA: We cannot leave here without having given our Congolese brothers the hope that their sorrow will soon end. I am proposing our revised draft declaration.
(Draft declaration No. 2) *
- TSHOMBE: Before making this declaration, I have to consult with the members of my government and with the Assembly. This is a serious declaration, and it must be approved by everyone. I ask you to allow us to leave and discuss this with our colleagues in Katanga and to set up another meeting with you.
- GBENYE: If the Prime Minister had accepted the ceasefire, would you have returned to Katanga to ask the agreement of your government and of the Assembly before making the declaration which we are submitting?

* See Annex No. 8 of this White Paper

ANNEX 11

Messages of Mr. Tshombe to President John F. Kennedy, December 14 and 17, 1961, and answer of Lewis Hoffacker, U. S. Consul at Elisabethville, December 18.

1) Mr. Tshombe's message to Mr. Kennedy of December 14, 1961

For the last ten days, UN troops have been fighting against Katanga, causing losses of human lives and important material damages. Force alone will never settle the Congolese problem. I am confirming my desire to negotiate with Mr. Adoula on various aspects of this problem. I am asking for your intervention as a free man and a Christian to appoint an able negotiator and to stop useless bloodshed immediately --
President Tshombe.

2) Mr. Tshombe's message to Mr. Kennedy on December 17, 1961

Thank you for your message. Am awaiting your Ambassador in Elisabethville. Am willing under your guarantee to talk with Adoula. Please arrange an immediate ceasefire. Thanks to your intervention, hope to see calm restored in former Belgian Congo by Christmas -- Tshombe.

3) Mr. Hoffacker's letter to Mr. Tshombe of December 18, 1961

Dr. Mr. President:

I have the honor to reply herewith to your recent message to President Kennedy, who says that he has been dealing with Acting Secretary General U Thant and Prime Minister Adoula concerning the points which Your Excellency raised.

The President is pleased that you have indicated a willingness to enter into immediate talks with Prime Minister Adoula with a view to finding a solution for the differences now dividing you. Ambassador Gullion has been designated to act for the President in facilitating rapid arrangements to this end. Secretary General U Thant has made Dr. Ralph Bunche and Mr. Robert Gardiner available to participate in these conversations on behalf of the United Nations.

It is my President's hope that you can proceed to Kitona for this purpose within a matter of hours. Ambassador Gullion has been asked by the President to fly to Elisabethville or Ndola in an American plane to escort you to Kitona and to return you safely to Elisabethville. The President is assured that your personal safety at Kitona and throughout the trip will be guaranteed both by the United Nations and by the Central Government. The President expresses full confidence in these assurances.

I take this opportunity to renew to Your Excellency assurances of my highest consideration.

Sincerely yours,

Lewis Hoffacker
American Consul

ANNEX 12

Extract of verbatim report of Kitona Meetings -
Second afternoon session, December 20 (pages 22 to 24)

ADOULA:

As we leave, we want the conditions under which we separated to be known. We find, unfortunately, that our meetings have failed to result in a resolution which would enable us to solve the Katangan problem, and this solely because President Tshombe, in coming to Kitona, does not have the mandate to solve the secession problem. On the governmental side, our position remains unchanged; that is, we are going to settle the secession problem by abiding strictly by the Fundamental Law. We still are prepared to settle this problem by peaceful means without, however, prejudicing the enforcement of the Security Council and General Assembly mandate.

TSHOMBE:

In the course of our talks, we were in principle in complete agreement that the Fundamental Law was the basis of discussion, but in order to make a declaration such as that presented in the form of a draft, it would be necessary for me to go back to Elisabethville and you would have to allow us some time to submit the matter to our Assembly in order to avoid any misunderstanding. We have agreed that we would send our parliamentarians with a draft of a bill which they will support in Parliament. We have decided that for the new constitution, our delegates would participate at the preparatory work. I have asked the Prime Minister to set a new date for the next meeting, since we cannot expect to do everything today.

BUNCHE:

I have listened very carefully to the declarations of the Prime Minister and Mr. Tshombe. I don't have to tell you how important this meeting is and it is needless to stress the necessity of a settlement between you. The whole world is looking at you and it would be disappointing if you did not reach an agreement. After hearing both declarations, I fail to understand where the divergence lies. You have not come here to discuss the contents of a constitution, but to come to an agreement on what is already in existence. I heard Mr. Tshombe say that he agreed, in principle, with the Fundamental Law, the fundamental principle of the territorial unity of the Congo. If this is the case, I do not understand why it is impossible for Mr. Tshombe to issue an official declaration in this sense. It is not the question of an agreement, but of a declaration by which you acknowledge the Fundamental Law. I cannot understand why, after a long day's work, you do not accept your responsibility to get the Congo out of the misery and the disorder in which it has been plunged.

GULLION:

I fully agree with the statement of Mr. Bunche, who spoke in the name of 104 countries which are members of the United Nations. My country is watching the events in the Congo with anxiety and wants the unity of this country to be safeguarded. I have to express how disappointed I am, but I cannot say how immense the deception would be in Washington in learning that you have not arrived at a solution. I really cannot

understand why Mr. Tshombe does not want to make a declaration. I do not know what the future holds, but I fear that, failing an agreement, Katanga will be plunged into misery. I beg of you to stay a few more hours this evening to try and continue your negotiations. We will take Mr. Tshombe back to Ndola, but it will be impossible to land before dawn; therefore we will leave Kitona around midnight. I am asking Mr. Tshombe and the members of his delegation to reconsider the draft submitted there by Mr. Adoula and to try and propose a text of a final declaration.

BUNCHE: We have prepared a text with several points which reflect the principles that you have yourself recognized here, that is the Fundamental Law. I will ask you to read these points carefully and to let us know what is consistent with your mandate.

ADOULA: It is very important that to clarify one point, we should not confuse an agreement in principle with a situation of fact. The Fundamental Law is not a principle, but a fact. We cannot tolerate any reservations before the law. The law is here and we want its application. What we want is the return to legality. Once the return to legality is accepted, then the law can be applied. I can't see why one is overstepping a mandate by wanting to return to legality? I do not see how the secession can be solved if one does not want to accept the law. What will rule our relations with Katanga before they accept the law? It is a matter here of giving guarantees rather than simply making declarations; these guarantees are included in our declaration submitted to Mr. Tshombe. You all know Mr. Tshombe, and his declaration gives us no confidence, especially if it is made "in principle".

ANNEX 13

Ordinance 104, December 30, 1961, convoking extraordinary session of Katanga's Provincial Assembly

THE PRESIDENT OF THE REPUBLIC,

in view of the Fundamental Law of May 19, 1960 on the basic institutions of the Congo, particularly as to articles 17, 132 and subsequent ones:

in view of the powers, through the aforementioned Fundamental Law, vested in the Provincial Government in the matter of convoking the provincial assembly;

in view of the situation created in the Province of Katanga following events which recently happened in the southern part of this province;

in view of the impossibility of applying article 134 of said Fundamental Law:

in view of the functions of the State Commissioner who represents, in the provinces, the President of the Republic, and in whose absence it is the duty of the Chief of State to convoke the Provincial Assembly, in pursuance of aforesaid article 134;

in view of the necessity and urgency;

upon the recommendation of the Minister of the Interior;

HEREBY COMMANDS:

Article Number One

The Provincial Assembly of Katanga is convoked in extraordinary session on the date of the signature of the present ordinance.

Article Number Two

The Provincial Assembly will meet in Kamina.

Article Number Three

It is the duty of the Minister of the Interior to execute the present ordinance which goes into effect immediately.

Leopoldville, December 30, 1961

J. KASAVUBU

By the President of the Republic
The Minister of the Interior
Chr. GBENYE

ANNEX 14

Letter from Prime Minister Adoula to Mr. Sture Linner,
Officer in charge of civil operations for the UN in the Congo,
December 26, 1961

Mr. Officer-in-Charge,

As you know, Mr. Tshombe has summoned within the next few days the Katanga Provincial Assembly to examine the declaration he made in Kitona.

I take the liberty of drawing your attention to the fact that the Central Government expects the Katanga Provincial Assembly to convene in full force, that is including the participation of those elected from North Katanga. This meeting should be held in accordance with the law and it must enjoy the protection of the UN -- if need be -- and every participant must be assured of complete freedom of speech.

The Central Government would like for the next Katanga Provincial Assembly to be held in a place other than Elisabethville, under UN protection, so that all provincial deputies, and especially those of North Katanga, can participate without danger to them-

selves. This is to be without prejudice to the viewpoint of the Central Government, which feels the Katanga Provincial Assembly cannot meet on matters beyond its competence, such as the discussion of application or non-application of the Fundamental Law.

Thanking you in advance for your help on this new occasion, I remain,
Mr. Officer-in-Charge,

THE PRIME MINISTER

Cyrille ADOULA

ANNEX 15

Letters of Mr. Adoula and Mr. Tshombe regarding Ordinance 104
issued by President Kasavubu

1. Letter from Mr. Tshombe to the President of the Republic

I have the honor of informing you that the United Nations has just handed me your Ordinance 104 convoking a session of the Katanga Assembly at Kamina.

I should like to draw your attention to the fact that this Ordinance constitutes a serious violation of the Belgian law of May 19, 1960, which you invoke in support of your act. Article 17 of the aforementioned law stipulates clearly that executive power in each province is to be exercised by the provincial government. Among others, one prerogative is that only the provincial government is authorized to convoke a provincial assembly. Inasmuch as you consider Katanga to be a province, my government is the only one empowered to take such an initiative. Let me recall to you the text of Article 132, first paragraph, which says: "The Assembly meets twice a year in normal session, except as modified by Article 109, on the first Monday of April and the first Monday of October unless it has already been called into session by the provincial government at the request of the State Commissioner." Now, you are not unaware that I have already summoned the Katanga Assembly for January 3, 1962, at Elisabethville under Article 134, first paragraph, which says: "The provincial government may, at the request of the State Commissioner, call the Assembly into extraordinary session." Therefore, your ordinance represents an abuse of power and is, by this fact, illegal.

As for the site of the meeting, I would appreciate your referring to Article 133, which says: "Without prejudice to the application of Article 109, second paragraph, the provincial assembly meets in the chief city of the province unless it is authorized by the Chief of State in extraordinary circumstances, to meet in another locality of the province. The choice of this meeting place is suggested to the Chief of State by the president of the assembly or, in the case of an extraordinary session, by the president of the provincial government."

You will note that I have not requested that the meeting take place elsewhere than Elisabethville. I draw your attention to the fact that in this case, you can only authorize, not decide. That prerogative belongs, under Article 17, to the provincial executive.

Moreover, I do not understand how you can claim that it is impossible to utilize Article 134 of the Fundamental Law since everyone has known for many days that my government convoked the Katanga Assembly for January 3, 1962.

I shall not comment on the allusion you make to the mandate of the State Commissioner which in itself represents a series of irregularities inasmuch as no Commissioner was ever legally named and nothing in the law provides that the Chief of State has the powers of a Commissioner. In any event, the latter is only authorized to ask my government to convene the assembly.

The proposed session at Kamina is, therefore, contrary to the law you cite as the legal basis for the regime for whose establishment you request the aid of the United Nations.

Since your decision is illegal, the members of the Assembly cannot obey it and the deliberations of those who attend the Kamina sessions will be null and void. If you should decide to insist on your decision, I feel obliged to appeal the controversy to the Belgian Council of State in the light of Articles 226 to 235 and 253 of the law you invoke, which maintain:

"Article 226: The Constitutional Court is composed of a Chamber of Constitutionality, a Chamber of Disputes and a Chamber of Administration:

"Article 232: The Chamber of Disputes is concerned with deciding conflicts of authority between the Central Government and the provincial authority:

"Article 253: Until the legal establishment of the Constitutional Court in conformity with Articles 229, 230, 232 and 236, the Council of State of Belgium exercises according to the procedure that it will determine the attributes of the Constitutional Court as provided for in Articles 229 to 235."

2. Letter from Mr. Adoula to Mr. Tshombe, January 3, 1962, in regard to the preceding letter

The Officer in Charge of Operations for the United Nations in the Congo has just informed me of your letter regarding the meeting of the provincial assembly of Katanga.

Basing yourself on an erroneous interpretation of the Fundamental Law of May 19, 1960, the very law you have repeatedly violated since you took office as president of the provincial government, you challenge the legality of the ordinance of the Chief of State convoking the Katanga Provincial Assembly to a meeting in Kamina.

May I remind you that under the terms of Article 2 of the aforementioned Law, the provisions in force on June 30, 1960, remain operative unless they have been specifically abrogated.

I further draw your attention to the fact that under ordinance 85 of November 28, 1961, the Chief of State proclaimed a state of emergency in the province of Katanga

and named Jason Sendwe, Vice Premier of the Central Government, as Commissioner General Extraordinary.

As a result, the legislation provided for in the decree of October 20, 1959, applies in the Province of Katanga.

It is by the authority of this decree, which was expressly activated by the constitutional ordinance of July 7, 1961, that the Chief of State decided to summon the provincial assembly of Katanga to a meeting at Kamina.

Indeed, Article 2 of that decree confers upon him the right to modify the powers assigned to different authorities of the republic and, in consequence, to assume them himself.

Since the legal nature of the Chief of State's ordinance is thus clearly established, I call upon you to arrange for the provincial assembly of Katanga to meet as soon as possible at Kamina as the Chief of State has ordered.

3. Answer of Mr. Tshombe to Mr. Adoula on January 6, 1962

I have the honor to acknowledge receipt of your letter of January 3, 1962, which the United Nations representative has just handed me.

You consider that President Kasavubu has the right to convene the provincial assembly of Katanga at Kamina by virtue of Ordinance 85 of November 28, 1961, proclaiming a state of emergency in Katanga.

This ordinance is supposedly based on the decree of October 20, 1959, which is, according to your thesis, still in force in the Congo thanks to the Fundamental Law of May 19, 1960, and the constitutional decree of July 7, 1961.

The legislation on the state of emergency in the Congo would, therefore, have a double justification according to you:

- (1) The decree of October 20, 1959, would continue in effect by virtue of Article 2 of the Fundamental Law;
- (2) The provisions of this decree would have been expressly activated by the constitutional decree of July 7, 1961.

Let me examine each of your arguments in turn. . . .

The legislation of October 20, 1959, was essentially temporary in character. This was recognized by the Leopoldville government which found it necessary to promulgate a new text to re-activate this decree.

The general sense of this text and the preliminary discussions make it plain that this legislation was designed to cope with a *de facto* situation caused by rioting in Leopoldville in January, 1959, and was to remain in force until new institutions had been authorized for an independent Congo.

This decree is the image of the sovereign power of a colonial power which did not recognize two principles inherent in the law of May 19, 1960:

- (a) the separation of powers
- (b) the existence of two separate powers, that of the Central Government and that of the provincial government.

It is quite clear that if certain provisions of the Belgian legislation contravene the Fundamental Law, they cannot be employed.

Is the constitutional decree of July 7, 1961, legal?

The answer is no, for two reasons:

- (a) the Government or the Chief of State can only make laws within the framework of the Fundamental Law and no provision in that measure provides for a constitutional decree.
- (b) any legislative, constitutional or rule-making measure must be submitted for approval to the constitutional section of the Court. The Constitutional Court has not yet been formed, so the constitutional decree of July 7, 1961, could not be submitted and therefore must be considered as inexistant (see Perin, "Political Institutions in Independent Congo," p. 46).

Let us now examine whether the Chief of State has the right to assume provincial powers.

I call to your attention Article 21 of the Fundamental Law which declares: "The Chief of State has no other powers than those formally conferred upon him by the present law." However, the decree of October 20, 1959, authorizes the Central Government to modify the territorial organization and administration of any state, a power which not only is not expressly assigned to the Chief of State, but is reserved by Article 200 of the Fundamental Law to the various provincial authorities.

Finally, let me recall to you that no emergency legislation can abrogate the strict application of the principles inscribed in the Fundamental Law.

In any event, since there is a difference of opinion between the Central Government and the government of Katanga, the dispute should be settled in the manner explicitly provided by the Fundamental Law. In that regard, I remind you and urge you to consult Articles 232 and 253 and I suggest that the Council of State of Belgium should judge the matter.

I am surprised that in your letter of January 3, 1962, you make not the slightest reference to this proposal which I made earlier and that you persist in trying to force your own solution upon us. This attitude is totally contrary to the very principles of the Fundamental Law and particularly regrettable when you are calling upon me to respect that same law.

It is clear that the government of Katanga can only respect that law if it senses in the minds of the Leopoldville authorities a desire to apply it without exception and in good faith.

ANNEX 16

Extract of Mr. Tshombe's appeal to the Council of State of Belgium,
February 22, 1962

To the First President,
President, and Councillors
constituting the Council of State
of Belgium

Mr. Moise Tshombe, President of the Provincial Government of Katanga,
residing at Boulevard Elisabeth, Elisabethville, Congo, has the honor of stating to you:

That under the provisions of Article 233 of the Fundamental Law of May 19,
1960, relating to the basic institutions of the Congo, published in "Moniteur Belge" of
May 27-28, 1960, the undersigned, in his capacity as President of the Provincial
Government of Katanga, is authorized to refer to the Chamber the conflicts in authority
between the central power and the provincial power.

ANNEX 17

Communique from Prime Minister's Cabinet, December 27, 1961

The Central Government of the Republic is pleased to note President Tshombe's
willingness to respect the agreement to which he has freely subscribed at Kitona by
authorizing the senators and deputies of South Katanga to go to Leopoldville on this 27th
day of December 1961, in order to participate in the works of the high assemblies of the
country.

This news, which conforms with point 6 of Mr. Tshombe's declaration is
received with satisfaction. The Government hopes that the members of Parliament
will give a fraternal welcome to our compatriots of South Katanga who have accepted to
come to Leopoldville, fully aware of the responsibility which is theirs in the evolution
and future of the young and vast Congolese State.

It is the Government's wish that they should actively participate in the
Parliament's debates and carry out their duty until the session is closed.

ANNEX 18

Mr. Tshombe's speech to Katanga Assembly, February 15, 1962

Mr. President, Gentlemen,

More than a month ago, I submitted to you on my return from Kitona the
famous eight points which we were called upon to ratify. At that time, I drew your
attention to the importance of your deliberations to the future of Katanga, of the Congo
and of all Africa. The seriousness with which you examined the eight points, the
May 19, 1960, law called Fundamental Law and our own Katanga constitution proves that
the people of Katanga are worthy of the confidence placed in them.

The world will soon learn your wishes in this matter. But I want to announce
at this point what my government and I myself have done within the framework of the
eight points of Kitona to bring about a reconciliation between Leopoldville and Elisabeth
ville, a reconciliation of fact, not words.

Our deputies are in Leopoldville and are taking part in debates. There also,
the Katangans demonstrate their diligence, sense of responsibility and their desire to
act effectively.

In addition, a governmental delegation is sharing the labors of the Commis-
sion for constitutional reform which was set up by the Central Government.

Finally, we have agreed to rebuild the bridge at Lubilash. Orders have been
given and work will start as soon as possible. This bridge is the symbol and the first
step toward a renewal of economic relations.

Gentlemen, these are the facts.

On the other side, what are the facts, not the speeches or protestations of
friendship, but the acts of the Leopoldville Government and the United Nations to bring
about reconciliation?

Alas, the total is slight. There was peace in North Katanga, but now there is
disorder to an extent you can hardly conceive, all created under the pretext of restoring
legality.

It is a fine legality which serves as an excuse for looting, murder and
cannibalism. On the other hand, the Katanga army, which some people claim is not a
regular one, has saved many lives in Kongola and Sola. Missionaries and civilians are
safe behind our walls at Baudouinville.

The Congolese National Army is supposedly restoring legality. But it is
fighting with the youth movement of Mr. Sendwe, who also represents legality. It is
difficult to understand all this. Or rather, we understand it only too well. There are
acts and there are words. A monstrous propaganda campaign is trying to convince the
world that words represent reality and that facts do not exist. And there, behind the
visage of the United Nations, we find the methods of the Americans who financed and
continue to finance war and disorder in Katanga. For them, words are worth more than
facts.

But Katanga will not judge only by words. We want to consider facts also. When the United States declares that it is a democratic country and then today, as last December, refuses me a visa because people are afraid that my presence there might enlighten the American people, who believe in liberty, we Africans know what that means.

The State Department is in the hands of voracious financiers who will not stop until the Congo is a colony under their economic domination and Katanga's copper has been eliminated from world competition.

That, gentlemen, is not an opinion; the facts prove it.

There is no military objective in the Lubumbashi factories. Yet the United Nations, which is supposed to bring peace and happiness to the people of the entire world, including the Katangans, forces the unemployment of thousands of workers without apparent reason. And happiness is inconceivable without work.

Now the United Nations has established a center of crime in the refugee camp, watches passively the massacres in North Katanga without sending a single soldier, and wants to occupy Jadotville and Kolwezi where there is complete tranquility.

What they are trying to do is provoke disorder, halt the factories and throw out of work thousands of our brothers. All that, not only to profit American capitalists. Because it is they who are the real culprits, not the United Nations.

It is the Americans in the State Department who pay and direct the policies of the United Nations. Their interests are much more important than the thousands of negroes who have only to return to their fields and their jungle, which is already the case in the former Belgian Congo outside of Katanga.

You who represent Africans, you should not let yourself be swamped by the wave of foreign intrigues. You should remember that you are Africans and your deliberations should be concerned only with the interests of Africa.

You are meeting today to bring about the happiness of the men and women of our people and of Africa, aware of the importance of the decisions you are going to make, not only for us but for all the Congo.

Today, I want to make a new appeal to Mr. Adoula. Together, without foreign intervention--which unfortunately was not the case at Kitona--we can carry out an African program, reserved to Africans and decided by Africans. The result will be peace for our people, peace without which there can be no peace in all Africa.

We want to decide our fate ourselves and to unite the Congo as we want and not as the Americans want.

Our principles are simple, gentlemen, we want to reunite with the Congo, as we always have. But only in the interests of the people of Katanga and the Congo. Katanga has its rights, rights it acquired by peaceful endeavor and respect for human rights during more than eighteen months. In the name of our people, we must defend this peace, this respect for human rights and the rights we have acquired. These principles are simple. Let us hope for the peace and happiness of Africa that other nations and America can understand them.

ANNEX 19

Extract of declaration made by Katangan Parliamentarians at
press conference in Leopoldville, January 24, 1962

We believe that Mr. Adoula courageously faced up to the problem. This is at least the conviction of Mr. Tshombe, President of Katanga, and of the other Katangan representatives, who were given the opportunity to converse directly with Mr. Adoula and his Ministers at Kitona. It is on the basis of this firm belief that we are here now, and by no means because of the "agreements" forced at Kitona by Mr. Gullion and to which, moreover, Mr. Ileo, himself, has refused to give any real value. Once more, after Tananarive and Coq, the Katangans will accept to take a chance at continuing, with their Congolese brothers, the work of building the Congo.

Mr. Adoula, in accepting to work toward this goal, has chosen to reconcile the Congolese within the Fundamental Law. We, of Katanga, are ready to accept the path chosen by Mr. Adoula, as one likely to lead in the near future, so we hope, to a final reconciliation among all the people of the Congo; this under the condition, however, that all mistakes made therein by the colonial power be eradicated.

ANNEX 20

Resolution adopted on 15 February 1962 by the Katanga
Provincial Assembly

The Legislative Assembly of Katanga summarizes the eight points of the draft declaration of Kitona in the motion hereafter.

The Katanga Assembly, having been convened in second special session on 5 February 1962, by an Order issued on 23 December 1961 by the President of Katanga, with a view to considering the draft declaration drawn up at Kitona on 21 December 1961;

Having regard to the statement made at the first special session on 3 January 1962 before this Assembly by President Tshombe, in which statement he presented that draft declaration;

Having considered the eight points of the draft declaration of Kitona;

Noting that the Prime Minister of the Congo, Mr. Adoula, in contrast to what has been done in the past, proposes to restore order in the former Belgian Congo;

Noting that in these circumstances it is necessary to co-operate with the Central Government with a view to restoring order and peace in the country;

Having established that the urgent need of preparing a new constitution is admitted by all the parties at issue;

Considering that a loyal application by all the parties of the conclusions of the Katanga Assembly on the draft declaration of Kitona could serve as a basis for the settlement of the Katanga problem and put an end to the sufferings of the population;

(1) Accepts the draft declaration of Kitona of 21 December 1961 as a potential basis of discussion with a view to the settlement of the Congolese conflict; authorizes the Government of Katanga to establish contact with the Central Government with a view to ensuring a solution in the spirit of the draft declaration; and stresses that the Government of Katanga must arrive at that solution by negotiation and peaceful means, with all due dispatch.

(2) Presents the following recommendations:

- (a) Expresses the hope that the Fundamental Law will hereafter be strictly applied, both by the six entities and by the Central Government; that the designation of a Commissioner of State be hereafter made in consultation with the Prime Minister or, failing him, in consultation with the President of the Assembly (articles 181 and 201 of the Fundamental Law), it being understood, among other things, that the provisions on parliamentary immunity shall be strictly observed; takes note of the provisions of article 3 authorizing amendments to the Fundamental Law;
- (b) Recommends that account be taken of the provisions of article 7 of the Fundamental Law fixing the number of entities composing the State and determining their limits (see article 159 of the said Law); declares that Mr. Kasavubu is President of the Congolese State as the same is defined in article 7 of the Fundamental Law;
- (c) Stresses the fact that the Central Government must in future show understanding and take into account the particular characteristics of Katanga. To that end, acting in the necessary spirit of conciliation, the Central Government must forego taking punitive measures against any civil or military officers who may have executed the orders of the Katanga Government since 30 June 1960. It must also avoid sending to Katanga civil or military officers who may be hostile to the Katanga authorities, and must refrain from sending there armed forces liable to spread disorder or panic among the population. The Central Government must also refrain from showing any form of partiality in the internal dissensions of Katanga and must not in any manner oppose the restoration of the authority of the Government of Katanga over the whole of the Province, in conformity with the provisions of the Fundamental Law. It must also take, in agreement with the Government of Katanga, the measures necessary to balance the budget of the Congo and prohibit all monetary, fiscal or administrative measures liable to prejudice the economic and financial situation of Katanga or the smooth running of public services.

- (d) Recommends that, in view of its urgent character, the work of the preparing the new constitution, taking into account the aspirations of each entity, shall be speedily concluded in order to enable the Congo to benefit from institutions adapted to the special conditions prevailing in the country;
- (e) Considers that, for purposes of their application, the Government of Katanga should agree with the Central Government on the interpretation to be placed on articles 23, 26 and 219 of the Fundamental Law; and gives it assurance that the exercise of authority envisaged under this point shall be determined in co-operation with the Government;
- (f) Decides that it is not required to rule on the eighth point of the draft declaration, which comes within the exclusive competence of the Executive;
- (g) The Katanga Legislative Assembly reserves its right to ratify the final agreements which may be concluded between the authorities at Leopoldville and those of Katanga in conformity with the authority given to the Government of Katanga.

Done at Elisabethville on 15 February 1962,

MUTAKAWA-DILOMBA Charles
President of the Katanga Legislative Assembly

ANNEX 21

Letter from Mr. Tshombe to Mr. Adoula, February 16, 1962,
transmitting resolution adopted by Katanga Provincial Assembly

I have the honour to inform you that the Katanga Assembly, at its meeting on 15 February, announced its acceptance of the Kitona draft declaration of 21 December 1961 as a possible basis for discussions with a view to the settlement of the Congolese conflict. It also authorized the Katangese Government to establish contact with the Central Government for the purpose of bringing about a solution in the spirit of the Kitona declaration.

In view of this authorization, as well as in the desire to find a solution to our problems as rapidly as possible in the interest of our peoples, I suggest that we meet personally at your earliest convenience at Kamina base, a site offering full guarantees of security and all the necessary communication facilities.

The President of Katanga

ANNEX 22

Telegram from Mr. Adoula to Mr. Tshombe, April 16, 1962

In view application Kitona agreement just approved by Provincial Assembly invite you to meet me Leopoldville next Wednesday February 21 in order to study means of putting into effect stop yours sincerely fullstop Adoula Prime Minister

ANNEX 23

Statement by Prime Minister Adoula, February 16, 1962

We went to Kitona reluctantly because we had had dealings with Mr. Tshombe for many years and were well acquainted with his virtues and his weaknesses. I, personally, never ceased to warn the Congolese public, the United Nations and the whole world of the danger of attaching too much value to Mr. Tshombe's statements. The speech he made yesterday in the Katanga Provincial Assembly and the resolutions which he obviously inspired have provided further evidence of the difficulties facing those who, despite apparent contradictions, seek to trust the word of the northern Katangan leaders. The speech by Mr. Tshombe and the resolutions of the Provincial Assembly purport to leave the door open for further negotiations. I shall make a detailed statement very shortly after I have studied what took place yesterday in the Provincial Assembly.

ANNEX 24

Radio address by Prime Minister Adoula, February 20, 1962

In his recent speech before the Provincial Assembly, President Tshombe mentioned numerous approaches made by his government, since he had signed the Kitona agreement, to end the Katangan secession.

With the sole purpose of being objective, I wish to analyze today, in the following statement, President Tshombe's speech, his various assertions, and examine for all Congolese, including, of course, our Katangan brothers, the true meaning of this address and the ensuing resolution.

President Tshombe started by disregarding the fact that the declaration which he had signed was his own work. In this connection, one cannot stress enough the fact that the Central Government never imposed anything on him, nor did it force him to adhere to the stipulations which he, himself, had decided upon. Mr. Tshombe mentions different actions of the Katangan authorities to bring together the Province of Katanga and the Republic of the Congo. Among these, the presence of Conakat deputies in Leopoldville was given as the best proof. It should be noted here that the Katangan

deputies attended Parliamentary sessions on several occasions and left later of their own accord. Their participation never helped bring any solution to the problems which they were handling. They were recalled each time by Tshombe under the same conditions he seemed to be preparing for, with his speech of February 15.

The second action concerns the reconstruction of the bridge on the Lubilash river, which is to enable the resumption of rail transportation and export of Katanga copper by the National Route. This is indeed of interest for the economy of the country. However, I have always maintained that the Katanga problem was not a money problem, but one of sacred principle which we have always defended, that is, the unity of the Congo within its 1960 borders. Moreover, the reconstruction of this bridge can only be accomplished with the assistance of the Central Government, since it happens to be on a territory outside the jurisdiction of the Katangan provincial authorities.

In comparison with the so-called positive achievements of the Katangans, Mr. Tshombe says that the Central Government, on its side, has done nothing to facilitate a resumption of contacts between himself and the Leopoldville authorities. Unfortunately, I have to agree with the Katangan President. In fact, all our efforts and all the goodwill we have shown for the past 18 months for the peaceful settlement of the Katangan secession have not seemed convincing enough to Mr. Tshombe and his government.

At the risk of making ourselves look ridiculous, we have followed him everywhere, from Tananarive to Kitona, and everywhere we have heard the same assurances, the same promises, ending each time with Mr. Tshombe reneging on his word.

In accepting to meet Mr. Tshombe at Kitona - although I knew beforehand what the result would be - I wanted to show once more our good intentions and our sincere wish to close the gap which he had created. If my delegation and I had not gone to Kitona, the Katangan problem would certainly have evolved differently. Unfortunately, experience has shown that Mr. Tshombe only understands the language of force, which we have always disliked. The Katangan President, who still speaks of peace in North Katanga seems conveniently to forget the dozens of villages and the thousands of our brothers which his gendarmerie has destroyed and slaughtered under the leadership of mercenaries and foreign fascists. He has forgotten the massacres of Kipushi, of Elisabethville and of many other localities in which our compatriots died by the hundreds because of the ferocity of his hired international mercenaries.

Throughout the Congo's troubled period of 1960 to 1961, the total number of victims for the entire remainder of the Congo is smaller than that for Katanga alone. Mr. Tshombe seems also to forget this. He also forgets the bombings, the use of mortars, bazookas and other means of destruction, in the Baluba refugee camps, where thousands of Congolese women and children were packed together completely without defense - their only crime being their opposition to the Katangan secession.

After Kitona, Mr. Tshombe seemed to be on good terms with the United Nations; there were friendly statements, receptions, pacts sealed in blood, and then, suddenly, he changes his position and again attacks the United Nations, which he had just been flattering; this reminds us again, strangely, of his past reversals. Within the next few days, these attacks will be redoubled in their violence and we shall find ourselves again in the same situation as that which brought about the incidents of last September and December. Very cleverly, President Tshombe tries to camouflage both

his real tactics and his disappointment at having been refused a visa to the United States, where he hoped to continue his propaganda to maintain the Katanga secession.

The friendly relations and declarations of friendship between Tshombe and the United Nations seem to have come to an end. Again Tshombe asserts that the United Nations have created troubles and claims they remained passive in the slaughters of North Katanga, that they want to cause chaos in Jadotville, Kolwezi and Kipushi. These same United Nations, whose services he was praising 24 hours ago because they had authorized the re-opening of Union Minière, are today accused of spreading trouble and of stopping work in the factories in order to reduce the Katangan people to unemployment and misery. But was it not Tshombe himself who advocated and violently incited this very same people to follow a scorched earth policy in December 1961?

President Tshombe ends his speech by appealing to the Prime Minister of the Republic for a new meeting, where we would be alone, like true democrats, to decide the fate of thirteen million Congolese. To prove that his actions are as good as his word, Mr. Tshombe asks me to meet him in Kamina to settle our problems as Africans. He well knew that I had already refused to go to Kamina and that I now and will always refuse to go there to meet him. Was not Kitona a sufficient warning of his bad faith? For my part, I had invited and still do solemnly invite President Tshombe to come to Leopoldville, capital of the Republic, where he will be guest of the Government and where our talks can take place in a normal atmosphere with every chance of success.

Do I have to remind President Tshombe that when we asked him to convoke the Katanga Provincial Assembly at Kamina, where all security conditions were in place, he refused, using specious arguments, going so far as to bring this matter before a foreign court for an adjudication on our internal affairs.

Is that what he calls a settlement among Africans? He knew, however, that it would have been in Kamina - where our Katangan brothers of all different opinions could have gathered in a search for a true solution by peaceful means - that the true democratic solutions would have been found, as they were found for our brothers from Stanleyville at Louvanium. Besides, what could the two of us do in Kamina? This problem goes beyond our two persons, and a successful meeting can be had only there where are seated the higher instances of the Nation and where Katanga is partly represented.

It is our duty as responsible political heads to facilitate the work of our institutions. I repeat again that I am always ready to receive Mr. Tshombe in Leo, under conditions of his free choice. He can either come as my personal and the Government's guest, or under the protection of the United Nations. We shall resume the discussions from the starting point of his Kitona declaration. We will use all our goodwill to find solutions which will be satisfactory to all. I am convinced that in this normal setting and in an atmosphere of regained friendship, no problem will be unsolvable.

My dear compatriots, in order to close this analysis, I have to supplement it with a brief summary of the resolution adopted by the Provincial Assembly after President Tshombe's address. Basing itself on the speech of Mr. Tshombe, the Provincial Assembly endorses the declaration he signed at Kitona, but combines it with reservations that cancel its effects and make it meaningless. It is a clever job, in line with the political maneuvers followed so far by Mr. Tshombe.

The Katanga Assembly calls on us to apply the Fundamental Law where it is to

its advantage, as it has in the past. It demands the withdrawal of the nomination of a High Commissioner and the reunification of Katanga, in accord with Articles 7 and 159 of the Fundamental Law, but, on the other hand, refuses to accept the Fundamental Law and insists on a new interpretation of those articles which oblige it to respect the clauses ending the secession.

Thus, it asks permission for the gendarmerie to resume its efforts to re-establish the authority of the Katanga Government in North Katanga, that is, to expel the National Army and arrest the High Commissioner named by the Central Government. The Provincial Assembly also asks us for a new interpretation of articles 23, 26 and 219 on nominations to higher ranks in the army and gendarmerie, as well as to the high command of the armed forces. Finally, the Katanga Assembly reserves the right to ratify any agreements arrived at by the authorities of Leopoldville and those of Katanga.

As you can see, fellow citizens, we are still at the bargaining stage and no one can say that this does honor to our Katangan brothers. The Central Government has already gone far towards reaching an understanding and in seeking a solution suitable to our mutual interests. In addition to the invitation to President Tshombe to come to Leopoldville, I have asked the Katanga Provincial Government to submit to the Central Government the list of senior and junior officers of their gendarmerie, so that they can be confirmed in their position by His Excellency the President of the Republic. It is certainly not our intention to take sanctions against military or civilian personnel who have followed the instructions of the Katangan provincial authorities. It is understood, however, that breach of the law will be prosecuted there as well as here, this being a matter of local police.

I have further asked President Tshombe to convoke the Provincial Assembly in a locality where all the elected Katanga provincial representatives can be summoned and where all security guarantees and freedom of speech can be assured. This session will settle the internal problems of the province which they represent, in line with the purest of democratic traditions.

Finally, I have asked President Tshombe to send General Moke and the officers of his staff to attend a military conference which it is my intention to hold before the end of the month.

My dear compatriots, this is what my Government has done and continues to do in order to end the Katangan secession and in order that calm and peace may finally reign in this country which needs it so badly. It is my most earnest wish that President Tshombe and all the Katangan officials will answer this fraternal call, will put aside their unjustified apprehensions and put an end to the sufferings and difficulties of our beloved Congo.

ANNEX 25

Draft agenda presented by Prime Minister Adoula, March 18, 1962

SUBJECT

The secession, and the steps to be taken to end it.

PRINCIPLES

The Kitona talks, based on the Fundamental Law.

PRELIMINARY CONDITIONS

The powers of each delegation in the negotiations.

The attacks in North Katanga.

The Katangan position in relation to the request to the Belgian Council of State.

Relations with the press.

Mutual respect during the discussions.

ANNEX 26

Extract of verbatim report, First Leopoldville Talks:
March 19 session, pp. 10, 11, 12

TSHOMBE: The first point in our negotiations speaks of the Katanga secession and the means to be employed to end that secession. The subject is very important and before examining it we would like to know what measures the Government envisages. It is on the basis of these measures that we can negotiate.

(The Prime Minister gives the floor to the Minister of Interior)

KAMITATU: It seems to me that we should begin with the preliminaries instead of beginning by the objective itself. Today, we should make known the authority of the delegations, look at the preliminaries first and then the substance. We should agree on the preliminaries. As for the rest of the matter, we can work out an order.

TSHOMBE: Let me answer the remarks of Minister Kamitatu. I believe that if you could now give us some details on yesterday's note, that would allow us to dispose rapidly of the preliminaries because we do not yet know exactly what you mean by the means to be envisaged to end the secession. Yesterday's note was not complete. This would allow us then to say exactly what we can discuss.

GBENYE: I think we should know exactly how far we should discuss. Without that, we can accomplish nothing important. We do not know if at the end of our meeting we can hope for good results or if our decisions will be valid in Katanga. We should know your powers.

TSHOMBE: You cannot know my powers nor your own as long as you do not know what is to be discussed. That is why we want the Prime Minister to sketch out the subject of discussion. With that in mind, we can answer the problem of powers. In my opinion, this would facilitate our labors.

ADOULA:

Everyone knows the problem which divides us. It is secession. We know exactly what secession means. I think explanations are useless. In the present state of affairs, we know very well what secession means. So far as means for ending secession, I imagine that you, your government and your assembly must have prepared for today's meeting, making plans for the way you believe this problem can be solved. For our part, we have also made plans for ending the secession. Together we should arrive at a choice of measures which correspond perfectly to our ideas and which will enable us to end the secession.

As to the basis for our negotiations today and in the days to come, we refer to the Kitona talks, in the course of which we said there must be continuity. You also made that declaration but added that it exceeded your authority and that you could not take a position without the accord of the Assembly. Your assembly has adopted resolutions and we must exactly maintain continuity. It is on that basis that our negotiations continue. Your mandate must have been fixed at the moment you were going to come here to discuss with us. To be more precise, when you left Kitona, you should have gotten this mandate. We would like to know the limits of your terms of reference. From then on, we will continue examination of preliminaries and we will begin the real subject of discussion, the secession and the methods of ending it.

If we work in that order, keeping in mind the plan we have outlined, we will accomplish a major task in very little time to the satisfaction of everybody.

TSHOMBE: I think we are speaking frankly. But I do not see why you will not give us details on the question I am asking. I insist on this because it is very important that I have certain explanations in order to say how far we can discuss; I think that if you would give us some explanations or some comment on this subject we would get right to work on the preliminaries.

KAMITATU: We should not go around in circles.

ANNEX 27

Ibid., March 20 session, pp. 21, 22

ADOULA:

The question that comes to mind is the following: in view of the resolution adopted by the Katanga Assembly, what are the terms of reference that Mr. Tshombe and his delegation have received to carry out the desire expressed, the desire to see an end to the Congolese conflict. What is this mandate, according to the Katanga delegation? It is on the basis of this mandate, as the Katanga delegation describes it, that we can judge the chances and especially the importance of the discus-

sions we are about to begin. Yesterday, we were asked for our own terms of reference and we answered that our mandate was universal. We even added that the life of the government itself was at stake if these discussions did not reach a favorable result. So far as we are concerned, you may rest assured that we will go to the limit and that every method which appears indispensable and necessary to solve the Congo's problems will be employed. I therefore give the floor automatically to Mr. Tshombe.

KIBWE: Under the terms of that declaration, we are authorized to discuss almost everything in every domain but this is conditioned by many things. In the last paragraph, the Assembly reserves the right of ratification.

You yourself have just said that our lives are in danger if these negotiations do not arrive at concrete progress. That implies that in the work we are going to do there will also be questions, on your side as on ours, which will have to be submitted to the Assembly. Our Parliament tells us that it must ratify accords and this is said in so many words in the declaration. Parliament has thus fixed many conditions.

ADOULA: You will have the same speakers?

KATANGAN: Yes.

ADOULA: On our side, Mr. Bomboko replaces Vice Premier Gbenye. I regret exceedingly what you have just said. It is very serious. It is very serious for us to hear you compare our mandate with yours. I have already told you that we are authorized to take all decisions, decisions that must be implemented and carried out. The prerogatives of Parliament are that they examine our work. If they find that the decision we have taken is not a good one in its execution, they can ask us for explanations and if they do not accept these explanations they can assume their responsibility. The decisions we arrive at here must be applied and, if you wish it, during the session itself.

KIBWE: I do not know how you interpret what the Assembly means when it reserves the right of ratification. If you take decisions which are not ratified, what happens?

ADOULA: We must define the word "ratify" in its practical meaning. What does "ratify" mean and in what measure?

KAMITATU: The Prime Minister says his mandate is universal. That means that his decisions must be carried out immediately. If Parliament is not in agreement with what the Government wants to do, that is a later question. We want the same guarantee from the Katanga side.

KIBWE: Legally, the ratification of an agreement precedes the execution of that accord. We can make decisions on all subjects. If there is something only the Assembly can change, how can you carry out the agreement immediately?

ADOULA: How is a law changed? There is a procedure for it.

BOMBOKO: The procedure starts immediately if the changing of the law is accepted. According to you, if we want to change a law you are going to ask your assembly if it is in agreement with the principle of change itself.

TSHOMBE: You must not get excited. I wish you would maintain a judicious attitude. We said we were here to find a solution to the Congolese crisis. Mr. Kibwe has explained that if the Assembly has adopted a resolution it is in conformity with its rights. Read Article 176 of the Fundamental Law.

ANNEX 28

Ibid., March 22 session, pp. 44, 45

ADOULA: You say that the Assembly has expressly reserved the right of ratification. We should like to know what article of the Fundamental Law stipulates that provincial assemblies reserve the right of ratification?

KIBWE: If that ratification does not exist in the Fundamental Law, it exists nevertheless in our constitution.

ANNEX 29

Ibid., pp., 45, 46

BOLIKANGO: That is just what I am getting at. If this meeting is taking place it is for the simple reason that Mr. Tshombe declared at Kitona that he did not have a mandate from his Assembly.

Mr. Tshombe perhaps was in agreement with what was said at Kitona, but he did not have a mandate. He went back to Katanga to get that mandate. I think that is what he did. Once supplied with that mandate, he came back. I do not see why the very assembly that asked him to come here should still not be in agreement with him about the decisions that are to be taken in this meeting. Among us Bantus our chiefs assume their responsibilities.

KIBWE: When you have been given a mandate you cannot handle things in the opposite way. In that event, your actions would be considered null and void. In my opinion, I do not see why we should discuss the matter. I've taken part in different summit conferences. These conferences are never binding on the respective governments. Is this the first meeting which is going to change that?

ADOULA: Mr. Kibwe says the right of ratification exists in the Katanga constitution.

TSHOMBE: It exists in the Fundamental Law.

ADOULA: You are violating your mandate when you speak of the Katanga constitution since the second paragraph of your mandate granted by the Assembly stipulates that the Fundamental Law must be strictly applied. But I have asked where and in what article the Fundamental Law speaks of the ratification of decisions by provincial assemblies; you answer that your constitution provides for this.

BOLIKANGO: Mr. Kibwe says he has participated in various summit conferences and he has never seen the delegations commit their respective countries to the decisions. We are only discussing here on the basis of the declarations of Kitona. Outside of that framework, you take your chances, unless there are other subjects to handle besides the eight points of the Kitona declarations. I do not see how this delegation can be disavowed by the provincial assembly when it is that very assembly which has called on the delegation to limit itself to the Kitona declarations.

KAMBOLA: The assembly did not say that we had to approve the subject without discussion.

KAMITATU: You are going back on questions we already have decided. The Kitona declaration is a basic document to our discussions. There is no problem.

KAMBOLA: I do not understand very well what you mean by framework.

BOLIKANGO: I mean that we are not supposed to handle other questions, but so far as possible to treat simply what was said at Kitona. Therefore, we stay within the framework of what was said at Kitona. There is no possible confusion.

KIBWE: When the assembly granted a frame of reference it did not allude to a single basis which is the Kitona declaration.

ANNEX 30

Ibid., March 20 session, p. 25

ADOULA: When your assembly insists vigorously that the Fundamental Law should be strictly applied we do not see how we can, or rather how you can claim that it should not be applied entirely but that there are compromises to be made which, finally, would create a legal gap.

KIBWE: The assembly only expressed a hope.

BOMBOKO: If it is only a hope, then the question of ratification in point G of the assembly document also is only a hope. Therefore, you are not obliged to submit our decisions to the assembly for ratification.

ANNEX 31

Ibid., March 20 session, p. 30

KIBWE: We declare that the assembly reserves the right to ratify the decisions we may make here. Can we reject what the assembly says?

BOMBOKO: That is a very important question. The Assembly's document gives us the answer itself. If point A expresses a hope, a wish, then point G also is a simple wish and you can ignore it.

ADOULA: It is not up to us to decide your terms of reference. If it were otherwise, we would have decided the question at Kitona. But you alone are able to put on paper exactly what your frame of reference for these discussions is.

TSHOMBE: I suggest that we meet again tomorrow because we must weigh this question of frame of reference.

ANNEX 32

Ibid., March 23 session, pp., 54, 55

ILEO: We are truly deadlocked and this deadlock comes from the fact that we have completely different conceptions. Let me explain: the position of the Central Government is clear but that of the Katanga delegation is equivocal. Up to this moment, we have lost a lot of time and I believe that we are going to lose more if we continue at the same pace.

For five days now, I have been listening to and observing what is going on here. I gather that we have accomplished nothing. We are confronted with two completely different positions. One is clear while the other is ambiguous. If this ambiguity is not cleared up we could spend day after day here without arriving at any concrete result. It is unthinkable that we should place a clear position next to an ambiguous one. The Central Government's stand is clear because it obeys the Fundamental Law. This is evident in all the arguments presented in the name of the Central Government which are always based on the Fundamental

Law. Therefore, it is a clear and precise stand. The position of the Katanga delegation is equivocal because it is based on two things: it rests at the same time on the Fundamental Law and the Katanga constitution. It is based on legality and illegality. It is based on legality when it follows the Fundamental Law and on illegality when it says: "although our government and our assembly are legal, we are confronting a de facto situation, that is to say, an illegal situation."

The Katanga delegation claims in its terms of reference that all decisions reached here must be ratified by the assembly in accord with the Katanga constitution. There is no article in the Fundamental Law which provides for the ratification of decisions by the provincial assemblies. This right of ratification exists only in their constitution. This is what I mean when I say that there is legality and illegality. We in the Central Government should not base ourselves on the Katanga Constitution since we are on the side of law. As a result, we cannot accept that decisions reached here should be ratified by the provincial assembly of Katanga. To accept that would be to accept Katanga as an independent state. They want us, before any further discussion to recognize their independence. This is their starting point for seeking a compromise. It creates an impossible situation.

Let us be frank. When there was fighting between the Katangans and the United Nations, they first insisted on a cease-fire to re-establish the status quo. But they did not say while the cannons were rumbling, let us find a solution. As long as this ambiguity has not been cleared up, we will never reach an understanding.

KITENGE: I agree in part with the remarks of Mr. Ileu, but he did not go far enough. When there was fighting between the Katangans and the United Nations, we asked for a cease-fire, but we did not yield our arms to the United Nations. Both sides kept their arms. As we have explained, we have not come here to surrender. Our brothers are still dying and we decided to end these killings through negotiations with the Leopoldville people. We are an independent state, but internationally we are not recognized as such. We cannot continue to live in this condition and that is why we are here.

ANNEX 33

Ibid., March 23 session, pp. 62, 63

KIBWE: By the very fact of secession, you no longer exercise your authority over the province and that is what creates the conflict.

BOMBOKO: For you then, the law does not exist. The problem we confront now is whether you want the secession to be ended or not. Reintegration means a return to a normal situation, in other words: the Kitona declaration.

KITENGE: We have abandoned the Fundamental Law and have created an independent state. You have insisted that we should return. And now that we are willing to negotiate, you tell us: first, accept the Fundamental Law. If we accept the Fundamental Law immediately we are saying "amen" to all the questions. There is no longer room to negotiate.

ADOULA: What unites us?

KITENGE: There are some articles in the Fundamental Law which unite us.

BOMBOKO: Mr. Kitenge says the Fundamental Law does not exist for them. You have written a constitution for yourselves and you say that there are some articles in the Fundamental Law which unite us. If you admit that there are some articles which unite us, you mean that you agree that the Fundamental Law is the basis for our discussion. We cannot at this point start changing the Fundamental Law. You have representatives in Parliament and they, however, can do this. We are here to finish this secession.

KIBWE: After having proclaimed our secession, do you think our people would agree if all of a sudden we said we were applying the Fundamental Law? We agreed to come back into the fold on condition that the Fundamental Law was changed. That is our concession. Even at Kitona, we insisted on this.

ADOULA: According to you, these changes should be made without due process. Who then would be charged with this task?

KIBWE: Before any modification, we could find a formula for doing it.

ADOULA: On what basis?

KIBWE: On whatever basis we decide here.

ADOULA: Let us not have any sophistry. If you agreed to take part in the constitutional committee it was because you maintained that there was a legal process for doing this and we told you that you should send your representatives to the committee. When the declaration was accepted, Mr. Tshombe expressed a reservation to the Undersecretary General of the United Nations.

TSHOMBE: The declaration was not accepted.

ADOULA: It was not accepted? Does this declaration exist or no?

(The Prime Minister reads Mr. Tshombe's letter to Mr. Ralph Bunche. *)

ANNEX 34

Mandate of Katanga Delegation

The Katanga Assembly has accepted the draft declaration of December 21, 1961, at Kitona as a basis for negotiations to settle the Congolese conflict.

It has authorized the Katanga government to make contact with the Central Government in order to assure a solution within the spirit of the draft declaration through negotiation and peaceful means.

This mandate is general, or universal, that is to say that it covers all subjects susceptible of being treated for a satisfactory solution to the conflict.

The Assembly has defined the spirit in which it wishes the Katanga government to negotiate but has left it a free hand in conducting these conversations.

The Assembly has specifically reserved the right to ratify the agreements concluded by the Katanga government, doing so on the basis of its rights and obligations under the Fundamental Law toward the government and the people that elected it.

By signing these agreements, the Katanga government will be obliged, therefore, to submit them to the Assembly, to make recommendations for approval and to carry them out so far as it is incumbent upon the government once the Assembly has approved them.

ANNEX 35

Mandate of Central Government Delegation

The Prime Minister and other members of the Central Government's delegation participating in the current talks with the President of the Provincial Government of Katanga, Mr. Moise Tshombe, agrees that:

- 1) The delegation of the Central Government has full powers to make any decision to end the Katanga secession on the basis of the declaration of Kitona by the president of the Provincial Government, Mr. Moise Tshombe, December 21, 1961, for the implementation of which he has received a mandate from the Provincial Assembly of Katanga in its resolution of February 15, 1962.
- 2) The decisions that the Central Government may make within the framework of the current discussions and on which the two parties shall reach agreement will be irrevocable, definitive and automatically implemented without requiring any approval, ratification or other conditions.

Issued at Leopoldville, March 23, 1962

ANNEX 36

Letter from Mr. Tshombe to Mr. Adoula, March 24, 1962

During the meeting of March 23, the Central Government delegation demanded that the Katanga delegation define "who they are" in their opinion. In other words, does the Katanga government take its seat as a sovereign state, a secessionist state, a provincial government, etc?

Since the situation has been constantly shifting and is at the very moment changing, it is essential to trace briefly the history of the facts, at least of those facts which have a direct influence on the answer to that question.

Besides, it is facts only which concern us here, not notions or legal theories.

Since we have come to find a path toward understanding with our brothers in Leopoldville we will avoid any direct allusion to facts which could have saddening or unpleasant connotations for them.

The situation of Katanga, therefore, has successively undergone the following changes:

On June 30, 1960, Katanga was one of the six provinces of the Congo Republic. The Provincial Government was in profound disagreement with the Fundamental Law which it considered adequate (sic) and it anticipated the disorders forecast by the naming of Mr. Lumumba as Prime Minister. It therefore tried on June 28 to establish the independence of the province. Under the threat of armed intervention by the colonial rulers, it was forced to give up this project by which it hoped to shelter itself from chaos.

The disorders which erupted in the following days led the provincial government, in order to safeguard public order, administration, economy and foreign technical cooperation, to separate at that very moment the fate of Katanga from the rest of the Congo and to declare Katanga's independence on July 11 before public opinion and then before the Provincial Assembly which endorsed this action.

From being a province, Katanga became a de facto sovereign state.

In international law, it would depend upon eventual foreign recognition for it to be considered a state in its foreign relations and treated as such. This was not the case since no state recognized it.

From July 11, 1960, to August 5, 1960, Katanga bent its efforts to assuring the bases for its reorganization and to establishing an internal status based on law.

The Katanga constitution was proclaimed on August 5, 1960.

The state of Katanga existed in fact as an independent, sovereign and constitutional state.

Lacking recognition, it had only an internal existence, but henceforward, it was under a rule of law on the basis of the constitution it had adopted.

It continued its endeavors toward an internal reorganization. It must be emphasized that the Katanga constitution of August 5, 1960, says in Article 1, paragraph 3: "The State of Katanga adheres to the principle of association with the other countries of the former Belgian Congo, provided that they are organized in a spirit of order and legality. It will open negotiations with them to establish a (confederation founded on the equality of the partners."

Katanga's intention, then, as early as August 5, 1960, was not to separate itself definitively from its Congo brothers, despite what has been said. The intent was to close the door to chaos within its borders and to seize favorable occasions to rebuild the Congo in union with its brothers from other regions while it avoided the unsuitable regime imposed by the provisional Fundamental Law and replaced it with a regime of a largely federal nature.

The state of Katanga, therefore, never stopped considering itself as a potential member of the community of the Congo people.

For more than twenty months, Katanga has existed as a state in fact, with all the consequences that devolve from this situation in the evolution of its people and institutions.

Recognition of this de facto situation and its consequences does not in any manner imply recognition of Katanga as a state. To settle the existing conflict, it is simply necessary to take into account the de facto situation which is the object of the conflict.

The debates of the Katanga Assembly on February 15, 1962, accepted the draft declaration of Kitona as a basis for discussion to settle the conflict.

To negotiate a speedy solution to the conflict, the Assembly authorized the Katanga government to make contact with the Central Government. It defined the spirit in which it hoped the negotiations would proceed, but left the Katanga government full liberty in conducting the talks. However, it expressly reserved the right to ratify any agreements reached.

As a result, the Katanga government, carrying out the mandate which it had been confided, came to Leopoldville to study concrete means to confront the de facto situation represented by the Katanga secession. It came to find a common basis for understanding with the Central Government to end the secession.

Katanga, which declared itself a sovereign state on July 11, 1960, and which has been so up to now, has been in the process of changing its legal basis since February 15, 1962.*

The Katanga delegation came to Leopoldville to find with the Central Government a formula for settling the conflict that has divided the Congo and Katanga since July, 1960: by coming to Leopoldville armed with a mandate given by the Katanga Assembly, it is making a conciliatory gesture, it is demonstrating Katanga's desire to end the secession created by its earlier volition.

* Underlined in the text.

But something must be substituted for this de facto situation created by its earlier volition, something which will not in turn give rise to chaos, thus far avoided, and which recognizes the de facto situation and different evolution of Katanga over two years.

In solving the dispute, Katanga is ready to start from the Fundamental Law in evidence of its desire for understanding and unity. But it cannot accept that the implementation of a law which everyone agrees is, let us say, inadequate or unsuitable should create new disturbances, particularly when we are also agreed that it should be profoundly modified to correspond to the realities of the Congo. Are we going to submit Katanga to a new political upheaval, with all its destructive consequences, by a blind implementation of the Fundamental Law or are we rather going to spare ourselves this upheaval by recognizing right now the principles which we believe must be followed in modifying the Fundamental Law?

The second method, which at once recognizes the existing facts and the eventual objectives that we are seeking is a realistic approach which will avoid upsetting the administration, economy and the entire organization in the real interests of the whole Congo. It avoids sacrificing the people's interests to legal abstractions. We must return to legality, indeed, but in order to assure the orderly and peaceful evolution of our people.

If the acceptance of the principles of the Fundamental Law is considered to be a symbol, in spite of the firm intention to change the regime established by that law, if it is a symbol with no relation to the way the law may be implemented, we of the Katanga delegation are willing to accept the principles of the Fundamental Law as part of our desire for conciliation and the reestablishment of peace and order in the Congo. We also maintain that for the law to be applied effectively it must be changed by mutual agreement within the form of government it establishes and that we must determine now the general form of such modifications. If they cannot be written into law immediately, a transitional regime should be worked out by mutual agreement which would correspond to the proposed changes in the Fundamental Law.

We do not want to create divisions or to fight over words, whether or not those words have symbolic value. We want to work with you toward a satisfactory and effective organization of the country in the interest of the people. That is why we came here and why we accept in principle the Fundamental Law as a symbol of that desire to work together. But we have also come to find in our discussions effective means of creating greater happiness in the Congo by the search for a broadly conceived accord.

In summary, the present situation of Katanga is that of a province which at a certain point withdrew from the rest of the Congo; which has been since that time a sovereign state in fact but has not been recognized; which has been in the process of changing its legal basis since February 15, 1962;* and which, for that very reason, has sent its delegation to Leopoldville because it is ready, it is decided, to abandon its de facto prerogatives in a spirit of understanding and unity if a satisfactory regime can be worked out by mutual agreement and acceptable solutions found together by people who are all eager, we are sure, to promote the higher interest of the people.

A note on a working program will be sent to you shortly.

The President
M. Tshombe

* Underlined in the text

ANNEX 37

Letter from Mr. Adoula to Mr. Tshombe, March 26, in answer

I have just received your letter of March 24, 1962, regarding the authority of the Katanga delegation for the current negotiations.

I agree with you about the need to avoid a quarrel over words and to examine only facts. This concern, however, should not lead us to ignore the very principles on which our talks are based.

1. The Central Government's demand for a precise definition of your authority in the current talks is perfectly legitimate and is founded solely on the ambiguity regarding this that you have continually encouraged: - as a matter of fact, you not only seem to ignore the rest of the Congo and its institutions, but you go so far as to adopt positions which, to say the least, are hostile; let me cite the attacks on Kongolo and the attitude of the Katangan gendarmerie. In these circumstances, you consider yourself beyond the Fundamental Law.

Nevertheless, you do not hesitate, when that serves your interest, to proclaim yourself President of a Provincial Government full of respect for the Fundamental Law and get publicly exercised when you feel that the Central Government has infringed that Fundamental Law in any manner. Let me cite your appeal to the Belgian Council of State.

Now, you adopt a new position, midway between an "independent authority" and a "provincial authority."

2. This equivocal position which you deliberately maintain regarding your authority must be cleared up if the current talks are to take place without misunderstandings and are to arrive at a lasting solution. The Central Government feels that your letter has not only not provided the necessary clarifications, but has, on the contrary, added to the ambiguity that you continue to foster.

3. Without wishing to enter into a debate on the real development of the Congolese crisis (and your version contains flagrant misstatements), without rehearsing the unhappy events our country has suffered, I must, however, contest your statement that it is the implementation of the Fundamental Law that is at the basis of the crisis. On the contrary, it is the fact that Katanga's failure to implement that law which provoked the events we know full well. Besides, an examination of the present situation of the country proves this: while order reigns in the rest of the Republic and our institutions function normally, it is only the Province of Katanga, because its leaders insist on ignoring the nation's legal institutions, that continues to live in a troubled atmosphere with its people suffering further each day.

4. In addition, your letter contains viewpoints and positions which, if they are continued, can only conduct our conversations to a breakdown for which you will bear the full blame.

As a matter of fact, the essential element in the Kitona declaration and in the Katanga Assembly's resolution of February 15 is a return to legality in the province,

that is to say, the complete application of the Fundamental Law to that part of the Congo which is Katanga. However, in your letter you no longer consider the Fundamental Law to be the legal support for your existence, you no longer envisage its complete application as a consequence of the Kitona declaration. You reduce it to a "symbol" of "principle." That is a position which, if it is maintained, can only reopen debate on that which was so laboriously put together over the months. The essential characteristic of the Fundamental Law is that it applies to everyone in its entirety in its advantageous elements as well as in those that are less pleasant. You are adopting a brand new position when you try to accept only the favorable parts and particularly when you try to reduce the Constitutional Law to the level of a "symbol" of no import, of no meaning. This is no longer a quarrel over words, but a basic disagreement over concepts.

5. I note that your new position not only reopens the question of the Kitona declaration but also represents a flagrant violation of the mandate conferred on you by the Katanga Provincial Assembly. To continue to avoid the real problems, to ignore reality in order to replace it with words without meaning can only perpetuate the present situation.

6. The position of the Central Government has always been perfectly clear: the Fundamental Law must constitute the basis for the talks. What we must seek together is the whole complex of measures capable of ending the Katanga secession, that is to say, ending situations of fact which are contrary to the Fundamental Law.

I am aware that the Fundamental Law is not perfect and that it must be modified at many places. You know, in addition, that Parliament has already begun this task. You have the possibility of proposing changes on the points you feel should be changed. But that can only apply when you have accepted the Fundamental Law. We are not in the position of two nations negotiating a treaty.

Today, we must forget our quarrels and whatever has divided us. We must understand that the interest of our people outweighs all the desires, all the advisers who think only of material gain without equating it with the good of the Congo.

I cannot believe that this appeal to your conscience, to your national sentiment, will not be answered. You would be condemning the Congo and its people to a grave and mournful period by persisting in your present attitude. As peace-loving men, we are ready to welcome you with open arms if you will for once live up to pledges. You must understand however, that conciliation and the peaceful search for solutions can be fruitful only if both sides contribute their efforts. Above all, we cannot forget that the restoration of the Congo's unity is a mission the nation has assigned us.

We believe that the application of the Fundamental Law in its entirety, in spite of its imperfections, is the only way which allows us to settle in a peaceful manner the conflicts which separate us.

The whole world will note, in any event, that the Central Government has pursued conciliation to the utmost of its ability.

However, the choice of a peaceful solution must not mean that we are ready to compromise our principles in re-establishing our national unity.

Prime Minister Adoula

ANNEX 38

Address by Prime Minister Adoula, March 29, 1962

In December 1961, when military measures had been taken and certain positions occupied at Elisabethville following provocations by the Katangan Gendarmerie, and in order to safeguard the civilian population from oppression by racist mercenaries, Mr. Tshombe requested talks with the Central Government with a view to ending the secession.

Although the Gendarmerie was then on the point of final elimination as a military factor, making it possible to restore the Province of Katanga to legality by force, we nevertheless agreed to a discussion with Mr. Tshombe and proceeded to Kitona. We agreed to these talks solely out of anxiety to spare the civilian population unnecessary suffering.

Since we ourselves were acting in good faith, we took it that Mr. Tshombe was of the same mind and was coming to Kitona to seek ways and means of ending the secession once and for all.

After more than twenty-four hours of discussion, Mr. Tshombe informed us that he had no authority to take decisions binding on the Province of Katanga, and that the Kitona talks could lead to no decision on his part.

Here was a most surprising situation: Mr. Tshombe asks for talks with the Central Government in order to terminate his secession. The same Central Government, which could have waited until the possibility of that secession had been eliminated by force of arms, nevertheless agrees to meet Mr. Tshombe and then, at the Kitona meeting for which Mr. Tshombe has pressed, he declares that he is not empowered to negotiate on behalf of the authorities of the secessionist Province.

At Kitona, as on the previous occasion, we were compelled to realize that Mr. Tshombe had asked for talks only in order to gain time, in an effort to restore what he knew to be a very adverse military situation. Finally, Mr. Tshombe agreed to make the declaration with which you are familiar. However, he made it clear that he was returning to Elisabethville in order to seek from the Provincial Assembly general authority to decide with the Central Government on measures to end the secession. He formally acknowledged that, once he had secured such authority, he would be empowered to take irrevocable decisions on Katanga's return to legality.

On 15 February 1962, the Provincial Assembly of Katanga adopted a resolution in which - and I quote - it

"accepts the draft declaration of Kitona of 21 December 1961 as a potential basis of discussion with a view to the settlement of the Congolese conflict; authorizes the Government of Katanga to establish contact with the Central Government with a view to ensuring a solution in the spirit of the draft declaration; and stresses that the Government of Katanga must arrive at that solution by negotiation and peaceful means, with all due dispatch."

The following day, on 16 February 1962, Mr. Tshombe sent a letter to the head of the Central Government, which contained the following statement (I quote):

"I have the honour to inform you that the Katanga Assembly, at its meeting on 15 February, announced its acceptance of the Kitona draft declaration of 21 December 1961 as a possible basis for discussions with a view to the settlement of the Congolese conflict. It also authorized the Katangan Government to establish contact with the Central Government for the purpose of bringing about a solution in the spirit of the Kitona declaration. In view of this authorization, as well as in the desire to find a solution to our problems as rapidly as possible in the interest of our peoples, I suggest that we meet personally ..."

To us, as to any impartial observer, the situation seemed quite clear: Mr. Tshombe had been authorized to take the necessary measures to end the secession, Mr. Tshombe was asking for a meeting with the Central Government in order to agree on those measures. We consented to such a meeting.

Although we had had some experience of Mr. Tshombe and his tergiversations, we felt some optimism as we began the talks which have just taken place. The Central Government was unanimous in believing that Mr. Tshombe, now that he had full powers, was left with no way out and would live up to his responsibilities. We hoped that, since the return of Katanga Province to legality was settled in principle, the problems to be solved in giving effect to this return to the Fundamental Law would present no insurmountable difficulties. In short, we were convinced, before beginning the talks, that since the essentials had already been settled, we would be able to find a way of putting an end to the crisis which the country had endured for almost two years.

Imagine our bewilderment, at our first meeting, at hearing Mr. Tshombe declare that he was not entitled to take final decisions and that, in any event, anything which might be agreed upon as a result of our talks would have to be ratified by the Provincial Assembly of Katanga. It was the Kitona performance all over again: Mr. Tshombe asks for negotiations with the Central Government and, then, at the crucial moment, declares that he has no authority to take decisions. All the talks we have been able to have with Mr. Tshombe have convinced us that the attitude of the Katangan delegation has not changed, and that Mr. Tshombe came here firmly determined not to agree to anything which would not be reopened for discussion on his return to Elisabethville.

What is far more serious is that, although the Provincial Assembly of Katanga has agreed that the Fundamental Law should serve as the basis of discussion and has given Mr. Tshombe full powers to act within the framework of the Fundamental Law, Mr. Tshombe no longer regards that Law as the basis of our talks. He even goes so far as to make non-implementation of the Fundamental Law a condition for the termination of the secession. That is a decided step backward from Kitona. With Mr. Tshombe nothing can be considered settled: what he agreed to at Kitona, and what his Assembly has directed him to do, Mr. Tshombe now refuses to accept. In these circumstances, if the Kitona declaration is no longer valid, the talks cannot continue. Over and over again, during the ten days these conversations have lasted, we have had to show calm and patience in the face of Mr. Tshombe's changes of attitude. We even went so far as to hand him a statement in which we agree that, so far as the Central Government is concerned, any decisions taken as a result of the talks will be final, irrevocable and enforceable. But the good will and patience shown by the Central Government have met with no response. Conscious of the vast interests at stake, we delayed as long as possible in informing you that our efforts had proved fruitless, and in reporting to you the bad faith of your brothers of the Katangan Government.

ANNEX 39

Draft Agenda counter-proposed by Katanga Delegation, March 26, 1962

Subjects to be examined

The primary concern of the talks should be to consider the following items:

1. Position of the Central Government on the amendments to the Fundamental Law requested by the Government of Katanga on the initiative of Katangan members of Parliament.
2. Examination of principles for a workable political organization of the former Belgian Congo as a whole. Adoption of the principles.
3. Discussion of transitional regime (pending the implementation of the new Constitution on the basis of the principles referred to in B above).
4. Examination of agreements to be concluded on financial, economic, customs and fiscal matters.

State of Katanga
Office of the President

ANNEX 40

Extract of Verbatim Report, First Leopoldville Talks
March 27, (p. 74, 75)

BOMBOKO:

These points go back to the time of the colonialists. Now, the Congo has been independent for a long time. The Fundamental Law was worked out with all of us present; you too took part in the Round Table conference at Brussels. This Fundamental Law also contains some of your ideas. People say that the Fundamental Law was written by the Belgians and therefore is bad. But we all agreed to apply the Fundamental Law. You want to be a separate entity. You have said that you are here in Leopoldville because international powers refuse to recognize your independence and that you have come to negotiate with the people from here because of that. Therefore, if some countries had supported you, you would not be here today. That is precisely what we have been saying: that your position is unrealistic. It is as if you were to say, "Bomboko, go back to your mother's breast." The Congo is a nation that has obligations toward other states. You imply that we should dismember the country in order to rebuild it along new lines. It is up to Parliament to do that. At Kitona, it was

We now know that Mr. Tshombe began the talks with the Central Government only in order to gain time and improve his military position by recruiting additional mercenaries and by purchasing weapons and aircraft. After ten days of talks we had got no further than discussing the powers of the Katangan delegation. Once again international public opinion has been enlightened as to Mr. Tshombe's good faith and desire to negotiate. The Central Government, for its part, can no longer countenance such performances while the sufferings of the people daily increase. I solemnly declare that our desire for peace, which we have repeatedly demonstrated, must not be regarded as a sign of weakness. After two years of talks, negotiations and discussions, the situation is graver today than it was at the beginning of the crisis. Our patience is at an end. We have exhausted all peaceful means. We have agreed to every meeting, but we have got nowhere.

I say to you all that there must be an end of equivocation, and that no more procrastination can be tolerated. We, for our part, have decided what line to follow, with your support. So long as we have the confidence of the people's representatives, we shall see to it that the unity of our country becomes a reality.

If we find ourselves in an impasse today, it is because Mr. Tshombe is making recognition of the secession, and of a Katangan State, a condition for any solution to the problem. Only on that condition is Mr. Tshombe prepared to discuss a possible association with the rest of the Congo. This we cannot accept, because to do so would be to betray our duty; to follow Mr. Tshombe's lead in this matter would be a violation of the mandate we have received from Parliament. We can never recognize the secession. We can never allow ourselves to be dragged into talks which Mr. Tshombe would like to put on the diplomatic plane. The solution, as we see it, is clear: Katanga is a Province which withdrew from the national community at a certain stage, and which must now return to it. There has never been and there never will be a Katangan State. That is something everyone should know.

Public opinion is becoming weary of Mr. Tshombe's dilatory attitudes and changes of front. Mr. Tshombe came to Leopoldville to gain time, but he must not count on the Central Government to let him continue his equivocations and criminal pastimes.

We made it perfectly clear to Mr. Tshombe that his obstinacy was liable to have the most serious consequences, and that he would bear full responsibility for the sufferings which the civilian population would endure if he persisted in his attitude.

In 1960 Mr. Tshombe took it upon himself to violate the law by placing himself above the Fundamental Law. Today Mr. Tshombe is violating the orders given him by the Provincial Assembly. It is becoming a habit.

The Central Government, which is responsible for ensuring that the law is observed, cannot allow Mr. Tshombe to continue regarding himself as above the law. He must obey the Provincial Assembly's instructions or resign.

We expect from Mr. Tshombe a firm and final decision. We hope that reason will ultimately prevail. If it does not, the Congolese people and, in particular, our brothers in the Province of Katanga will form their own opinion of Mr. Tshombe's duplicity and will take the necessary steps to safeguard the higher interests of the country. Our will to bring Katanga back to legality is unshakable. We shall bring to bear every means in our power. You can rely on the Government; it will do its full duty, and carry out to the end the task you have entrusted to it.

understood that you would send your spokesmen to Leopoldville. Your group is here to draft a Constitution with other legislators. You now suggest that we form a Constitutional Congress. It is impossible. This is not our province. If you want us to discuss problems realistically, let us get back on solid ground. The way to do this is to return to legal channels. How can you consider Katanga an independent state? There are places in America which are very poor but which manage. I could also cite the case of the Central African Republic. We are not discussing a question of mines here, but rather your belief that Katanga is outside the Congo. You say that you are federalists, but you are no more federalist than the ABAKO. The Fundamental Law is a federal law since it provides for provincial autonomy. If the Fundamental Law were to be applied thoroughly everywhere, we would have no problems. It is just in the cases where the Fundamental Law is not being respected that our difficulties multiply.

TSHOMBE: Are we school children listening to their teacher talk?

BOMBOKO: Every time we try to clarify the situation, someone tries to confuse it. In Kivu, at Stanleyville, where the Fundamental Law is not respected, there are disorders. What is more, we are in power by virtue of that same Fundamental Law. I think you are trying to get us to start from zero. At Kitona, you claimed that you did not have sufficient authority but that you were going to get it. The Assembly approved the eight points of Kitona. At one point, you said that these eight points were the basis for our discussions. Now you introduce a document that has nothing in common with those eight points. You told the Prime Minister that we must maintain a certain continuity. Today, the work accomplished at Kitona is rejected. Everything leads us to believe that any decisions we reach in our current talks will also be rejected. Mr. Tshombe, you wrote this morning to the various Ambassadors to present your program. And it is these very Ambassadors who will say that the Congolese are sabotaging their Fundamental Law. This is a bad system because it does not solve our problems but rather contributes to the destruction of our country. Perhaps you do not believe this, but it is true. To ignore the Fundamental Law would create chaos. What do you want: order or chaos? Katanga is an integral part of the Congo. We are not the ones who have seceded. It is you who chose that route. What we in the Central Government want is to end this equivocation that Minister Ileo has noted. We must speak the same language. The Constitution must be supple enough to adapt itself to all sorts of difficulties. How many times have the French changed constitutions? When they do it, they do it logically. They do not say, "Today we are going to abolish everything." Frankly, your proposals reopen the entire question. We cannot discuss your points, but we can give our opinion.

ANNEX 41

Letter from Mr. Tshombe to Mr. Adoula, April 6, 1962

Further to our discussion this morning, I have the honour to submit for your consideration the following two vital points:

1. I am empowered and prepared to renounce the absolute sovereignty of Katanga.
2. In return I would request you to confirm to me formally the internal sovereignty of Katanga.

I trust that we may reach agreement on these two points.

The President

ANNEX 42

First Letter of April 11 from Mr. Tshombe to Mr. Adoula

We have the honor to remind you of our letter number 10/103/VDK of April 6 which has not been answered but which submitted to you for study the following two vital points:

1. I am empowered and prepared to renounce the absolute sovereignty of Katanga.
2. In return, I would request you to confirm to me formally the internal sovereignty of Katanga.

I hope to hear from you shortly.

The President

ANNEX 43

Second Letter of April 11 from Mr. Tshombe to Mr. Adoula

I have the honor to inform you that I am ready, in order to normalize the Katanga-Congo situation and to strike a blow at the same time at Leopoldville's living costs, to have the wholesale businessmen of Katanga send cigarettes and other vital merchandise here.

I should be grateful if you too would authorize the shipment of merchandise from Leopoldville to Elisabethville.

I trust that you will agree to this proposal.

The President

ANNEX 44

Extract of Verbatim Report, First Leopoldville Talks
April 14 Session (pp. 114, 115)

- ADOULA: Secondly, you wrote to me on April 6 to submit two points. I should like to recall those two points:
1. You are empowered and ready to renounce the absolute sovereignty of Katanga.
 2. In return, you request that we confirm formally the internal sovereignty of Katanga.

Let us examine the two points. But, before that, I would like to clarify them since these questions create certain misunderstandings. I should like to clear away any such misunderstanding.

Let me go back to our private meeting. During that meeting, you never mentioned your two points. You are implying now that I promised you internal sovereignty during those talks, but this is absolutely untrue. We shall come back to the two points later. Thirdly, I received from you on April 11 another letter in which you proposed commercial exchanges. I should like to read your letter for the benefit of those present.

(Mr. Adoula reads the letter)

I understand this proposition perfectly. Obviously, in view of current conditions, it can only develop as a result of solutions arrived at here. And I believe that it is more for publicity than in answer to a real need that you offer cigarettes and other vital merchandise....

ANNEX 45

Letter from Mr. Adoula to Mr. Tshombe, April 16, 1962
transmitting draft conclusions for First Leopoldville Talks

I have the honour to acknowledge receipt of your letter (ref. 10/103/VDE) of April 1962.

I note with satisfaction that you now consider yourself empowered to take irrevocable and final decisions on behalf of the Province of Katanga. I therefore regard as finally settled the problem of the Katangan delegation's terms of reference.

With regard to the substance of your proposal, I share your concern to ensure that the Provinces enjoy the broadest possible administrative autonomy. My Government is prepared to submit to Parliament a draft Constitution which will take account of the various "distinctive identities" ("particularismes") and will enable each Province to manifest its personality by administering its own affairs. In this connexion you will find attached draft conclusions on the current talks which reflect both your concern and the intentions of the Central Government.

As you will note, the Central Government, in its desire to achieve a broad measure of national reconciliation, agrees to give you the assurances you are entitled to demand with regard to the future constitutional system of the Republic.

I am convinced that the aforesaid draft will allay all your anxieties and thereby bring us rapidly to the final conclusion of the current talks.

At all events, the Central Government has gone to the limit in conciliation and has shown a good will to which you must respond if, like us, you wish to resolve the crisis through national reconciliation.

Prime Minister
Cyrille ADOULA

ANNEX 46

Draft conclusions for First Leopoldville Talks sent by
Mr. Adoula to Mr. Tshombe, April 16, 1962

The Central Government of the Republic of the Congo, represented by Mr. Cyrille Adoula, its Prime Minister, and the Provincial Government of Katanga, represented by Mr. Moise Tshombe, its President, determined to arrive at a final settlement of their differences in a spirit of national understanding and reconciliation, hereby recognize, solemnly, irrevocably and without any ulterior motives, reservations or conditions, the following:

Article 1. The Republic of the Congo remains one and indivisible within its frontiers of 30 June 1960. Nevertheless, as the President of the Republic stated on 24 March 1962:

"Unity in no way signifies any desire to disregard the distinctive features (particularismes) of the various regions of the country. On the contrary, the unity of the country is made up of the contribution, the strength and the ideas of each of the distinctive regional identities."

Article 2. The Central Government accordingly undertakes to lay before the Legislative Chambers, within a period of two months, a draft Constitution which main-

tains the unity of the State, while ensuring that the Provinces enjoy a broad measure of administrative autonomy.

The unity of the State shall be ensured, in particular, by:

(a) Conferring upon the central power exclusive competence in the following matters: foreign affairs and treaties; armed forces; the Gendarmerie, subject to special arrangements to regulate assistance by this corps to the provincial power; State security; legislation concerning nationality; immigration and emigration; criminal law; the establishment of regulations concerning judicial organization and procedure; appointment and regulation of the judiciary; State finances, in accordance with the provisions of the special legislation which will regulate the distribution of financial competence between the State and the Provinces; currency; foreign exchange policy; weights and measures; customs; tax system; university and higher education; establishment of regulations concerning equivalence of primary, secondary, technical and teacher-training certificates; establishment of regulations on standard qualifications for teaching staff; the appointment of provincial inspectors to exercise educational supervision of primary, secondary, technical and teacher-training schools; legislation on the art of healing; scientific policy; general economic policy; commercial code; general regulations concerning land tenure; general regulations concerning the grant of farming and forestry concessions in State lands; general regulations concerning the mining and underground exploration; general regulations concerning the grant of mining concessions awarded by the Provinces; the co-ordination of energy sources of national importance, including hydro-electric plant and resources; geological, geodetic, cartographic and hydrographic services; sea and river navigation, including ports and beacons; aviation, including airports and air protection; national railways; national roads; general organization of the postal service, including the issue of postage stamps; telecommunications and radio; national public works; supervision of local agencies on which the central power confers direct responsibility for carrying out on its behalf tasks of national importance, in particular in the sphere of civil registration.

(b) The presence in each Province of a representative of the central power responsible for exercising the functions conferred on the Central Government by the Constitution.

Article 3. The administrative autonomy which the Provinces are recognized to possess shall be affirmed by:

- (a) The organization of a provincial legislature and executive.
- (b) The organization of a Constitutional Court responsible for upholding the division of competence between the central power and the provincial powers.
- (c) Conferring on the provincial power exclusive competence in the following matters: law and order in the Province; organization of provincial services and administrative subdivisions; education, except higher and university education; customary courts; grant of forestry, farming and mining concessions; and, in general, all matters in which competence is not expressly conferred on the central power.
- (d) A clause specifying that no law modifying the distribution of competence shall enter into force without the consent of all the Provincial Assemblies.

Article 4. Special legislation to define the respective financial competence of the State and the Provinces and to organize the Constitutional Court shall be enacted and shall enter into force simultaneously with the Constitution.

Article 5. The following provisions shall be applied in Katanga immediately:

- 1. The Fundamental Law is and remains applicable throughout the Republic.
- 2. The text known as the "Constitution of 5 August 1960" is withdrawn.
- 3. The Provincial Government undertakes not to exercise the powers conferred on the central power by the Fundamental Law; in particular:
 - (a) Questions of national defense are within the exclusive competence of the Central Government
 - (b) The Katanga Gendarmerie is transferred to the control of the central power and will be integrated into the Congolese National Army.
 - (c) The Kolwezi, Jadotville, Kipushi, Baudouinville and Sakania are placed under the control of the United Nations Force and the ANC.
 - (d) The security and immigration services are placed under the authority of the central power.
 - (e) The Katangan currency is withdrawn and replaced by local currency. Currency of the Republic which was withdrawn from circulation before the signature of these presents by the Katangan Government will be returned to the Monetary Council.
 - (f) Customs, treasury and tax officials are responsible exclusively to the central power.
 - (g) Postal, telecommunication and radio services are provided by the Central Government.
- 4. Only provincial councillors elected before 30 June 1960 in accordance with the electoral law of the Republic and in the event of their death or if they are under one of the disabilities specified in the Fundamental Law, their alternates may sit in the Provincial Assembly.
- 5. The Provincial Government may include only members elected by the Provincial Assembly in accordance with the provisions of the Fundamental Law.
- 6. A representative of the Central Government appointed after consultation with the Provincial Government shall reside at Elisabethville and, as the delegate of the Central Government and under its authority, shall exercise in Katanga the functions reserved to the Central Government by the Fundamental Law.
- 7. Pending the enactment of the legislation referred to in article 4 above concerning the distribution of financial competence between the central power and the provincial powers, the Central Government is prepared to explore forthwith a provisional arrangement on this question.

Article 6. To the extent that the provincial authorities comply with these presents, the Government undertakes to lift the state of exception in Katanga.

Article 7. These conclusions shall enter into force one full day after they are signed by both parties.

Done at Leopoldville in duplicate on _____.

For the Provincial Government of Katanga:
Moïse Tshombe, President

For the Central Government of the Republic of the Congo:
Cyrille Adoula, Prime Minister

ANNEX 47

Extract of Verbatim Report, First Leopoldville Talks
April 3, Session (pp. 93, 94)

ADOULA: I have said that the withdrawal of the Congolese National Army will not bring peace in the North. For the moment, if the two forces continue to confront each other, there will be fighting and we must avert that possibility, especially while we are negotiating for an understanding as we are authorized. Our talks must not fail. We must succeed. In North Katanga, a portion of the gendarmerie is in the same area as the Army. In my opinion, there are two ways to avoid clashes and only one of them is valid. If the two forces remain there, we shall see fighting. We must avoid that. Mr. Tshombe says all we have to do is order them not to fight. But I say that they may not obey us. The Central Government suggests that the units of the gendarmerie who are in the North should be able to reach agreement with the National Army there in order to become a single instrument for preserving order, public tranquility and protecting persons and property. Thus we could avoid any conflict between the two forces. If we could accomplish this in that troubled region our discussions could continue without distraction or difficulty. That is the proposal I make to you and it is an objective suggestion to meet a goal without self-interest. The goal is our understanding, our unity. If it were through self-interest that I proposed a solution it would rather have been one calling for the disarmament or withdrawal of the gendarmerie. Instead, I want us to order the two forces to unite. This is our suggestion.

KIBWE: The idea is sound by itself, but how would you carry it out?

ADOULA: First, do you accept it? It is up to you to accept it or reject it and to tell us what you think of it and how to put it into practice. They will not only be your methods, but ours as well.

TSHOMBE: You agree with me, if I have followed your argument, that this is no longer a pre-condition. The pre-condition for you is the reintegration of the gendarmerie in the National Army.

ADOULA: I am talking only of the Northern region and not of the gendarmerie in the South.

KAMITATU: I think the Prime Minister has been quite clear. He is not now speaking of the reintegration of the Katanga gendarmerie but only of that fraction of the gendarmerie which is in the North to maintain order. He asks that the two groups charged with preserving the peace in North Katanga reach the compromise which will allow them to act as one in maintaining order. The question of their fusion is a purely practical matter.

ANNEX 48

Ibid., April 3, Session (pp. 96, 97)

KIBWE: Mr. Tshombe suggested at the end of our last talks that we create a joint commission. You have been receiving telegrams reporting that Katanga's gendarmerie has attacked such and such an area. For our part, we have been receiving telegrams saying that the Congolese National Army has attacked such and such a region. We all have a certain mistrust of each other. That is why we thought it would be sensible to create a joint commission to check all these operations. If you have a counter-proposal to this definitive solution, perhaps a pure and simple withdrawal of the Congolese National Army, make it now.

ADOULA: I think we are going backwards if you prefer Mr. Tshombe's proposal, a proposal which would set up a joint commission. At the end of our discussions on Saturday, we agreed that the main thing was not to set up a joint commission, but rather to eliminate all possibility of clashes. Obviously, I agree that the withdrawal of the National Army would remove the possibility of fighting between it and the gendarmerie, but there would remain a chance of fighting between the gendarmerie and the population of the area. I am not questioning the good faith of the gendarmerie in protecting the lives and property of the population, but the people may think otherwise, which would be another possible source of conflict. But we are supposed to eliminate all possibility of conflict. I thought that when we parted that was the subject to which you were going to devote your efforts. But, instead, you return to the question of a joint commission. What good would such a commission be if people are killed or wounded? We would only have created hatred and division. What I want to emphasize is that even with the withdrawal of the Congolese National Army, there are still possibilities of clashes.

ANNEX 49

Ibid., April 4, Session (p. 108)

KITENGE: We would really like to finish this question of the Congolese National Army and the gendarmerie. Don't you think it would be a good idea first of all to cancel the state of emergency?

ADOULA: Let us go to the next preliminary condition instead of continuing this discussion.

BOMBOKO: Did the state of emergency provoke the war in Katanga?

Ibid., April 4, Session (pp. 102, 103)

- TSHOMBE:** The military problem needs a final solution. I thought I understood that our preliminary discussions were seeking a solution intermediate to a final one. The intermediate solution is that there should be no conflict while we are negotiating. To accomplish this, I suggested the creation of a joint commission, but you rejected this. Now you say that the officers should work together. This is, therefore, a final solution. You have just told Mr. Kitenge that the Katanga delegation looks to force for its answers. I do not think so. If we looked only to force we would not be here. In my opinion, we should seek at this point an intermediary solution so that there should be no fighting while we are negotiating. Later on we shall find a definitive solution to the military problem.
- ADOULA:** My proposal is limited and regional. We want just to eliminate the possibilities of conflict where these possibilities exist. I am not speaking of the majority of the gendarmerie. We are not seeking an answer to the entire problem, but only a limited solution at this point. I know that we shall discuss this problem in depth later because there are political questions involved. But we have not reached that point yet. It is therefore only in the areas where the National Army confronts the gendarmerie that we are trying to prevent any occasion for conflict. I cited the examples of Kongolo and Baudouinville. I am not talking about the areas where you are the stronger. I have not even mentioned the Lake region.
- KITENGE:** But it is, nevertheless, a final solution. It touches the heart of the problem. First of all, we shall discuss the preliminaries and the rest later.
- KAMITATU:** We wanted to discuss the preliminaries, but we put it aside temporarily. Your own delegation asked that we discuss it later. But this preliminary impinges on the heart of the matter.
- BOMBOKO:** I see that we are once again going around in circles. The goal of each of us here is reconciliation. There are many ways to reach agreement. If each of us is looking for a peaceful answer, I cannot see why you will not accept a limited solution, unless you have other objectives. We can agree on principles, but these principles must be made practical. What we are doing here is what we have been doing for a long time, but we keep on with it because our decisions are never put into practice. When we reach a decision, we must carry it through. Once again, we are becoming entangled in confusion.

Communique of Prime Minister Adoula, March 27, 1962

At the very first meeting with the Katanga delegation on 18 March 1962, it was expressly agreed with Mr. Tshombe that in no case would the subject matter of the discussions be revealed without the prior agreement of both parties before the conclusion of the talks.

On 26 March 1962, Mr. Tshombe sent to certain diplomatic missions a document on the points he intends to raise during the current conversations. It should be noted that the Prime Minister did not receive this document until several hours after its transmission to the embassies in question.

In the face of Mr. Tshombe's flagrant violation of the secrecy of the talks, the Central Government considers itself released from any undertaking in that regard. It wishes to state that on 18 March 1962 Mr. Tshombe received an agenda proposed by the Central Government. It was clearly pointed out to Mr. Tshombe that the current negotiations could have no other object than to give effect to the Kitona declaration: i. e., to ensure full application of the Fundamental Law to the Province of Katanga and to rectify every situation conflicting with that Fundamental Law. Over more than a week of discussions, Mr. Tshombe has refused to get down to the substance of the problem, but has contented himself with declaring that he had no mandate to take final decisions, and that all decisions reached as a result of these conversations must be submitted to the provincial Assembly for ratification.

The Prime Minister has repeatedly drawn Mr. Tshombe's attention to the dilatory attitude taken by the Katangan delegation. He has made it quite clear to Mr. Tshombe that this position is contrary to the categorical mandate given him by the Provincial Assembly in its resolution of 15 February 1962 and that, if he persists in this attitude, the current conversations can only end in an impasse for which he, Mr. Tshombe, will be wholly responsible.

It will be noted, moreover, that Mr. Tshombe, in the agenda which he has just issued, completely ignores the Fundamental Law and his Kitona commitments. He would like to drag the Central Government into a discussion on constitutional principles and on a presumptuous demand - the institution of a "transitional regime" for Katanga.

The Central Government wishes to point out that the current discussions were agreed to, and can only be conducted, on the basis of the Kitona declaration and the Katanga Provincial Assembly resolution of 15 February 1962: that is to say, on the basis of application of the Fundamental Law to the Province of Katanga.

The Central Government has clearly stated to Mr. Tshombe that it cannot go beyond this frame of reference and that discussions on constitutional problems and possible modifications of the Fundamental Law are being carried on - with, moreover, the participation of parliamentarians from the Province of Katanga - in other bodies which have sole competence in such matters. The Central Government, then, has been able only to repeat to Mr. Tshombe that the essential aim of the current discussions is the restoration of legality in Katanga and the full application of the Fundamental Law in that Province.

ANNEX 52

Communique of Katanga Delegation, March 28, 1962

A session of the Adoula-Tshombe talks was held March 27, 1962. It ended with agreement to meet again shortly.

However, the Central Government that very afternoon broke the pact reached at the start of the talks regarding press relations.

Mr. Adoula excused the breach of silence by citing Mr. Tshombe's sending to various embassies of an outline of "matters to discuss" which he had already submitted to Mr. Adoula at the latter's request. But Mr. Tshombe is aware that Mr. Adoula has been keeping certain embassies as well as the United Nations up-to-date on the talks. For example, on March 27, the public learned of Mr. Adoula's intentions through "information gathered by the American Embassy in Leopoldville."

It can therefore be argued that the embassies were not informed by us in a unilateral manner since the Central Government already is doing so. In addition, the Leopoldville radio, an official organ of the Central Government, has continued from the start to broadcast reports on the talks.

This time, without justification, Mr. Adoula broke our agreement on the reporting of news of our talks by issuing a unilateral release.

President Tshombe has never adopted "dilatatory tactics." He agreed to come to Leopoldville because Katanga is ready to renounce certain of its de facto prerogatives in a spirit of understanding and unity with the rest of the Congo. It knows that "unity is created by the conjunction of all the regional particularities." The Fundamental Law must be modified. In order to save the Congo, Katanga wants a satisfactory regime to be defined by common accord. It also wants acceptable solutions to be arrived at jointly among persons seeking the supreme good and happiness of the people.

The President knows that agreement reached in that spirit will not encounter opposition and will surely be ratified by the Katanga Assembly. He seeks to observe democratic principles through respect for the Assembly and the people of Katanga.

This unfortunately is not the path that the Central Government seems to be following in announcing its intention to call the provincial assemblies into session illegally.

The Katanga delegation remains firmly determined to continue the discussions and believes that the voice of reason will finally be heard.

ANNEX 53

Letter from Mr. Tshombe to Mr. Adoula, March 28, 1962

I have the honor to inform you that I have just been informed of the text of your press release in which you outline the elements discussed during our talks in Leopoldville.

I protest energetically against this procedure which is contrary to our common agreement this morning.

At today's meeting, I did confirm that I had sent to certain embassies in Leopoldville the program I gave you. But I did not hesitate to tell you during the session that the reason I had communicated my program was that the American Embassy had divulged everything we had held secret up to now. What is more, it was understood at the end of our talks this morning that the Leopoldville delegation could also communicate its program to the Leopoldville embassies, but not to the press.

It is inexact as your communique claims that my delegation had refused to take up immediately the matters for discussion; what delayed our progress was the fact that your delegation insisted that we define our mandate and our identity in relationship to the Central Government. This identity and mandate were given to you in writing. Why have you not expressed yourself up to now on the definition I gave you?

Let me also point out to you that the mandate I received from the Katanga Assembly is not restrictive, as your communique reports. You are willfully forgetting that the Assembly in its declaration reserved to itself the right to ratify the results of negotiations.

Henceforth, I no longer consider myself bound to secret deliberations.

The President
M. Tshombe

ANNEX 54

Letter from Mr. Adoula to Mr. Tshombe, March 28, in response.

I have just received your letter of today which concerns the statement to the press by the Central Government.

I should like to point out here certain of your statements which do not correspond to the truth.

In regard to the communication of the working program to embassies, may I remind you that there never was an agreement that the Central Government would transmit the aforesaid program to embassies. We feel on the contrary that it is precisely the

intervention of certain foreign powers which has aggravated the current difficulties of the Congo and, as a result, if declarations are to be made they should be made to the general public, which is the sole judge of the matter. May I remind you besides that you excuse your violation of the secrecy of talks by claiming that the American Ambassador already was aware of what had been discussed. Now, it develops that the United States representative could only have received such information as a result of confidences made to American journalists by a member of your entourage, Mr. Nyembo. There is, therefore, no doubt that it is only the Katanga delegation which has breached the secrecy of our talks, first through the revelations of Mr. Nyembo and second through your communications with the embassies.

As far as your authority in the current talks, you maintain that the Central Government has not responded to your definition. Let me recall here my letter of March 26 which is clearly explicit and which, on the contrary, you never answered.

Finally, you consider that the mandate conferred on you by the Katanga Assembly is not restrictive. I remind you that this mandate leaves you no other possibility than that of "assuring a solution in the spirit of the draft agreement" of Kitona and, thus, that you cannot raise problems other than those relating to an integral application of the Fundamental Law in the province of Katanga.

Prime Minister
Cyrille ADOULA

ANNEX 55

Radio Address by Prime Minister Adoula, April 24, 1962

Fellow Citizens, I made it my duty when the Government came to power to come before you whenever necessary and tell you of the preoccupations, the hopes, and the intentions of the Central Government. Being a government of the people and by the people, we want to keep you fully informed on the question which interests the entire nation. I am convinced that with your help and support, the Government, which has the confidence of your elected representatives, can bring to a successful conclusion the great task before it.

Our primary preoccupation is and will remain the solution of the Katangese problem. The solution of this problem comes before any other preoccupation, for we cannot forget that the solution to all our other difficulties would be greatly facilitated if the Katangese secession were ended. Only thus will the people, the Parliament and the Government be able to turn their whole efforts to economic recovery, the reconstruction of the country, the development and extension of education and the training of civil service; only thus will the people be able to enjoy the benefits of independence, for which it fought so hard.

Before taking up the fundamental problem of Katangese secession, I should like to issue a clarification of what has been called the incident of Mr. Tshombe's departure - an incident which some people have sought to exaggerate out of proportion by

giving it a meaning and an importance which the incident never had. First, I would like to recall the facts of Monday, April 16, 1962. I received Mr. Tshombe to give him the Central Government's answer to his letter of April 6, 1962. At the same time, I gave him our draft conclusions for the talks we had been holding.

Mr. Tshombe told me he was going to study the Central Government's draft and that he would give me his observations at our next meeting. Since Mr. Tshombe had requested several days of reflection, we decided that the next meeting would take place on April 21, and this was confirmed to Mr. Tshombe by letter from the Minister of the Interior during this April 16 meeting. I informed Mr. Tshombe of my intention of visiting the interior of the country but at the same time made it clear that I would be back in Leopoldville for the April 21 meeting.

The following day, at the moment I was to leave, Mr. Gardiner, Chief of the United Nations Mission to the Congo, informed me that Mr. Tshombe had expressed the desire to return to Elisabethville (without, however, telling me the date of this departure or the reasons for it). I informed Mr. Gardiner that since the delay requested by Mr. Tshombe was to allow him to study the Central Government's proposals, and that in any case the date of our next meeting was already set, I could not see the usefulness of Mr. Tshombe's trip and that Mr. Tshombe, moreover, had never informed me of his intention to leave. My objections were based solely on the fact that, if Mr. Tshombe returned to Elisabethville, he would never be able to attend the meeting on April 21.

The following day, Mr. Tshombe, knowing that I was already absent, sent a letter to my cabinet making known his desire to go to Elisabethville. At the same time the ministers who were present in Leopoldville learned that an airplane had been placed at the disposal of Mr. Tshombe and that the latter was scheduled to leave our capital at any moment despite the fact that no Congolese official had been warned of the imminence of this departure. A cabinet meeting, called immediately, decided to request an explanation of the exact causes and circumstances around this hurried departure. From this request for an explanation there resulted a delay in the departure of Mr. Tshombe's plane. Certain persons bearing ill-will toward the Republic -- with Mr. Tshombe in the forefront of them -- have tried to make it look as though the Central Government had intended to violate the guarantees granted Mr. Tshombe, or had wished to prevent the United Nations from fulfilling the engagements it had accepted in relation to Mr. Tshombe's freedom of movement. The obvious aim of these persons was to break down the good relations which have always existed between the Central Government and the United Nations.

I deny in the most categorical way that the Central Government at any time had any such intention. Last February, when Mr. Tshombe made known his desire to come to Leopoldville, we accorded him all the guarantees which he could legitimately have demanded. At the same time, and with our agreement -- and I insist on this point -- the United Nations made their guarantees to Mr. Tshombe.

The decision of the Cabinet to request a clarification of Mr. Tshombe's hurried departure was justified by the fact that, not having been warned of the day or the hour of the departure, we could not possibly assume our own responsibilities in relation to Mr. Tshombe. The guarantees granted by the United Nations could only be of value, or effective, through having the support of the Central Government's guarantees. The conditions under which the departure was decided and the plane placed at the disposal of Mr. Tshombe were such that the Central Government could not assume its obligations.

Mr. Tshombe tried to give another meaning to the Cabinet decision. It is true

we are accustomed to Mr. Tshombe's untruths; his insinuations would not have been worth repeating if persons of good faith had not been fooled by his calumnies.

It is for this reason that I insist on making this clarification. Obviously, we never had the intention of failing in our guarantees. It would be injurious to us for anyone to believe we would have gone back on our word. It would mean forgetting the sacred value which we Africans attach to keeping our word once it is given, and to hold in contempt our political sense to think we can prevent the United Nations from carrying out the pledge it has made to Mr. Tshombe, with our own agreement.

For my part, I consider the incident completely closed. It would be bad politics to attach any importance to an affair which has been blown up as has this one. The person of Mr. Tshombe has never had any importance, for we are not concerned here with the problem of a person. The Federal Government can not forget that the basic problem is the Katangese secession and that Mr. Tshombe as a person does not count at all before this problem. The Cabinet made its decision, not to prevent Mr. Tshombe from leaving, but as a matter of principle. Since the guarantees made by the Central Government and the United Nations were complementary, no decision could be taken by one of the parties without forcing the other to assume its own obligations.

It would be ridiculous to believe that such a matter could alter in any manner the confidence, cooperation and esteem we have granted to the United Nations, an organization which is a part of ourselves. It would also be injurious to the officials of this organization to believe they could change their feelings towards the Central Government as the result of an incident which has been exaggerated by those who have never accepted the idea of an independent, united and strong Congo. The provocators and fishers in troubled waters once again have failed.

For us -- and I insist on this point -- the essential question is and will remain the ending of the secession, no matter what persons are involved, and it is about this that I must talk to you today.

In my last address, I told you that the talks would go nowhere if Mr. Tshombe persisted in his refusal to make firm and irrevocable pledges. After more than 20 days of talk and evasions, Mr. Tshombe finally admitted he had a mandate to commit the province of Katanga; with this primary problem definitely settled, the Central Government immediately attacked the basic questions. It submitted to Mr. Tshombe a set of draft conclusions which has just been published.

I should like to emphasize at this point the special importance of this draft and the conciliatory spirit which the Central Government has shown in its proposals. You are aware that following the resolution of the Katangese Provincial Assembly and following the letter of February 16, 1962, from Mr. Tshombe, conversations between the Central Government and the Katangese Officials were to have the Kitona declaration as their basis. That is to say, the integral and complete application of the Fundamental Law in the Province of Katanga. The Central Government could have held fast to this base and refused to take up other problems during these conversations. In a spirit of national reconciliation, the government, nevertheless, agreed to give assurances to Mr. Tshombe on the future constitutional system of the country. The Central Government has never had the intention of neglecting the particularism of any region. You will remember that the President of the Republic solemnly declared on March 24 that while the unity of the country must be preserved, this does not mean that we can forget what each province has of its own, what each province contains in the way of a special personality.

The Central Government is ready to give to Mr. Tshombe as well as to all the provinces its assurances concerning the future constitution. To this effect, the Central Government is ready to present within two months a draft constitution to the legislative chambers. This draft will assure a considerable autonomy to the provinces in the handling of their own affairs. It will permit each region to express and develop its own personality.

This considerable autonomy will be guaranteed in the Constitution by an equitable distribution of powers between the Central Government and the provincial authorities. The text which has been submitted to Mr. Tshombe defines clearly and without equivocation the powers to be held by the Central Government and the provincial governments. In addition, the division of these powers can be modified only if all the provincial assemblies approve of the future modifications.

The provincial authorities will consist of a legislative power and an executive power. In financial matters, and in the temporary absence of a law defining the respective powers of the Central Government and the provincial governments, the government is ready now to seek a temporary arrangement on the distribution of government revenues, among all the interested parties.

All other questions which have caused difficulties will be settled by the Constitution. In the meantime, the Fundamental Law will continue to be applicable.

The Central Government is convinced that the assurances given to Mr. Tshombe should dispel fears and anxieties and that we will come rapidly to an agreement if Mr. Tshombe really is seeking a loyal understanding. In any case, no one of good faith can any longer doubt the desire for peace and reconciliation which animates the Central Government. No one can deny the generous and conciliatory character of the Central Government's proposals. Everything now is linked to the goodwill of Mr. Tshombe.

And yet the Central Government is more and more convinced that Mr. Tshombe did not come to Leopoldville to seek an agreement; instead, he came in order to gain time. I have already told you that while Mr. Tshombe was evading the issues in Leopoldville, the Katangan officials remaining in Elisabethville were continuing to reinforce their military strength. This duplicity on the part of the Katangan officials I denounced in my last speech and I denounce it again.

We have irrefutable proof and authentic documents showing the importance of the armaments which have been acquired since the Kitona talks -- some, very recently -- by the Katangan officials. These documents, which will be published at the proper time, show how serious the situation has become, how far the Katangan officials are from any idea of agreement, how near they are to a test of strength.

We know in an exact way what quantities of arms and munitions have entered or are about to enter Katanga. We know what countries are arming Tshombe, and therefore encouraging secession.

It is astonishing that these same countries, while furnishing Tshombe the military means for continuing the secession, are loudly proclaiming their support of the Central Government. This double game must stop. It is inconceivable that individuals or groups of persons from these countries can continue their criminal activity with-

out provoking the reactions from their governments that one could legitimately expect of them. It is unthinkable that private citizens can place in danger the good relationships between their country and the Republic of the Congo.

The Central Government has the right to demand a clear and unequivocal attitude of these countries. Their present policy can only hurt them among the peoples who believe in justice. I hope that this warning and this solemn appeal to reason will bring these countries back to a better understanding of their international obligation not to meddle in the affairs of the Congo by permitting their citizens to rearm the rebels.

I have already told you that Mr. Tshombe's desire for peace and reconciliation has not yet been evident and that, on the contrary, his aggressive intentions are evident in his purchases of arms and his recruitment of mercenaries. Does this mean the Central Government must remain inactive before this danger? Does it mean that we must continue to allow Mr. Tshombe to solidify his secession each day, without provoking any reaction from us?

We cannot forget that we have the duty of ending Mr. Tshombe's secession, as well as any other attempt at secession.

I am addressing myself today especially to the United Nations to tell them that while we appreciate the aid and assistance they have brought us in many domains, we are obliged to note that the basic problem, that of secession, is still unsolved.

This difficulty has now been going on for nearly two years. For nearly two years our territorial integrity has been at stake, and our sovereignty has been endangered. There has been more and more interference in our internal affairs. The situation is graver today than it was in 1960, at the beginning of the secession. The proportion of forces in favor of the Central Government has been completely reversed, to the benefit of Tshombe. Because it respects the resolutions of the Security Council and the General Assembly, the Central Government has not been able to purchase the armaments necessary for its defense. Because he flouts daily the decisions of the United Nations and in general looks on the United Nations with contempt, Tshombe has been able to build up his armaments without hindrance.

All nations must take note of this fact, and draw the proper consequences from it. Is it because we are loyal to the United Nations, to its principles and to its decisions, that we must remain weak and diminished before the forces of evil, before those who covet our riches?

Today everyone must accept his responsibilities. Everyone must show clearly and without equivocation the side he expects to take on the Congolese problem. If the United Nations feels that its present mandate is not precise and does not permit it to take more direct action in safeguarding our integrity, then the high officials of the United Nations must state this mandate more precisely, and must clearly define the role which they expect to assign to their action in the Congo.

The Central Government cannot afford to remain in such a dangerous state of indecision. The equivocation shown by certain countries must end. The United Nations will have to define the aim and the means of its mission.

I wish to affirm in the most solemn manner that our determination to end the Katangese secession by any means - I repeat, by any means - is irrevocable. We are

determined to pay the necessary price and to accept all the sacrifices that this will demand of us. The Central Government has not remained inactive. It has made contact with the Chiefs of State of friendly African and Asian nations and of other friendly nations. It has explained our problems and our difficulties to them. It has informed them of the procedures and methods which it plans to use for ending the Katangan secession. It has informed them that within the framework of African and Asian solidarity, it will perhaps be led to request increased aid from them in order to liquidate the secession once and for all.

I am glad to say the answers we have received until now are extremely encouraging.

If Mr. Tshombe returns to Leopoldville, we are ready to resume conversations, but we cannot allow the previous equivocations and endless talking to continue. We shall expect a sincere and unequivocal desire to settle the problem once for all. This will not prevent us from continuing to take the necessary precautionary measures so long as Mr. Tshombe continues to arm to the teeth. We shall not fall into the trap Mr. Tshombe has set for us by giving him time for a military build-up to maintain his secession.

The draft agreement we have handed to him is evidence of our desire for peace, our wish to achieve a national reconciliation. If Mr. Tshombe creates difficulties merely to gain time, we shall know what conclusion to draw.

The Congolese people must be prepared now for the test of strength which rebels in the pay of foreign business interests, and the misled, are trying to impose on us. I am convinced that Mr. Tshombe and his friends, if they continue their aggressive policy towards the Congo, will find themselves faced with a people that is united, strong and determined to protect its rights, its unity and its dignity with confidence and discipline, and in respecting order and the rights of others.

We are ready to begin the final battle if we are obliged to do so. And we are sure of winning because our cause is just, and because we can count on the support of all in the international community who believe in justice. To these hundreds of millions of people who support us, we must set the example of a disciplined and united people. We can thus show all the nations of the world that we are worthy of their confidence and solidarity.

ANNEX 56

Letter from Mr. Kamitatu to Mr. Tshombe on April 18, 1962

I have the honor to bring to your attention that during your last meeting with the Prime Minister it was decided that a new interview should take place in his office on Saturday, April 21, 1962.

The Prime Minister has asked me to set the time of the meeting for 4:30 P. M.

I should be grateful if you and your entire delegation could be present at that meeting.

Cleophas Kamitatu
Minister of The Interior

ANNEX 57

Letter from Mr. Tshombe to Mr. Adoula, April 18, 1962

Following our conversation of 18 April, during which you announced that you were going to be absent from Leopoldville, I have the honour to inform you that I have decided to go to Elisabethville to deal with some current business, and that I shall come to Leopoldville again as soon as you have returned.

The President
M. Tshombe

ANNEX 58

Letter from Mr. Jean Bolikango to Mr. Tshombe on April 18, 1962

I have the honor of acknowledging receipt of your letter number 10/154/VDK of April 18, 1962, in which you announce your intention to return to Elisabethville during the temporary absence of His Excellency, the Prime Minister of the Congo Republic.

To avoid interfering with the work for settling our internal problems, the Cabinet has decided to resume immediately the talks with you, starting tomorrow morning, April 19, 1962, at 8 o'clock.

This letter cancels letter number CAB/221-00/E-02/456 that the Minister of the Interior of the Central Government sent you today.

Let me urge you, consequently, to be present tomorrow at the hour indicated above in the office of the Prime Minister.

Jean Bolikango
Vice Premier

ANNEX 59

Letter from Mr. Adoula to Mr. Tshombe, March 8, 1962

I have the honor to acknowledge receipt of your letter dated March 5, 1962, which has just been forwarded to me by the officer in charge of the United Nations Mission in the Congo.

I can only recall the terms of my letter of February 27, 1962, as well as my different public declarations.

I believe that the guarantees I have offered you and which I renew once more

are largely sufficient to assure your security so far as any risks that might arise from branches of the Central Government.

These guarantees, together with those tendered you by the United Nations with my full agreement, are so wide and so explicit that it is impossible to believe that your personal security or your liberty could be threatened during your possible stay in Leopoldville.

So far as your request for a guarantee against any Parliamentary decision is concerned, I note that at the time of the preparation of the Kitona talks you did not consider that an eventual order of arrest by Parliament could constitute a threat to your security or liberty.

The present conditions are absolutely identical with those at the time of the Kitona talks so that it is undeniable that the guarantees offered you by the Central Government as well as the United Nations today exclude all risks to your security and liberty.

The invitation I extended to you to come to Leopoldville and which I renew today is sincere and is only motivated by our desire to reach a basis for agreement corresponding to the interests of the people of the Congo.

The Central Government, for its part, will have done everything possible so that a settlement of the affair which divides us may be reached through negotiations.

ANNEX 60

Memorandum from Mr. Tshombe to Mr. Robert K. A. Gardiner
April 8, 1962

The President of Katanga is considering the desirability of taking, as suggested by the Officer-in-Charge of the United Nations Operation in the Congo, a "bold initiative" in connection with the aims of the discussions which he came to Leopoldville to hold with Mr. Adoula.

Before taking up the various points made in the proposals for action on his part, the President of Katanga wishes to be assured that such a position will not lead Katanga into an impasse but will actually contribute to the salvation of the Congo and to the happiness of all its inhabitants.

The Katangan people certainly have the right, under the principle of self-determination, to reject a law which the former colonial Power imposed upon them, and to proclaim their complete independence. Neither force of arms nor methods such as those used at Kitona can have any radical effect on their resolve. However, while they are resolved upon self-determination, they are also very deeply conscious of the common destiny which links them with their brothers in the former Belgian Congo. In that spirit, the Katangan Government came to Leopoldville to seek, with the Central Government, ways and means of ending the secession which circumstances made necessary,

and to conclude there, with that Government, a generous and constructive agreement.

Should it decide to take a bold initiative, as suggested, the Katangan Government does not intend to run the risk of introducing chaos and poverty into Katanga, and wishes to make an effective contribution towards a viable political reconstruction of the entire Congo. To that end, it is obliged to take all necessary precautions. In particular, it must know what assurances and guarantees the United Nations can give it regarding the situation to which the proposed initiative would give rise.

1. Assurances regarding the situation

1. Katanga could not take this course without an assurance that, pending the constitutional changes which are essential for a viable organization of the Congo, no change will be made in the existing situation unless it has been expressly and freely agreed to.

2. Katanga must have an assurance that its integrity will be respected. Whatever name the new Constitution may eventually give to the various political units which will compose the Congo, the Central Government must cease to oppose the authority of the Government of Katanga throughout the length and breadth of Katanga, as defined by its boundaries on 30 June 1960, by installing rival or dissident Governments, as at Albertville, by supporting such Governments through the secondment of a commissioner extraordinary, by methods of political subversion, or by any other means.

3. The Government of Katanga must be assured of the normal authority to maintain law and order throughout Katanga. The Government of Katanga intends to undertake a very thorough decentralization of the administration of the territory, taking into account the natural groupings of population. An internal administrative reorganization was planned to that end, and would have been carried out if circumstances had not hampered its execution. However, it is obvious that all the forces of order operating in Katanga must be subject exclusively to the direct authority of the Katangan Government. If it is to be made possible to station National Army troops in Katanga, as elsewhere in the territory of the Congo, that must be done only in case of necessity for purposes of national defense against threats from abroad, and after measures have been taken to ensure that such stationing of ANC troops will not impede the maintenance of law and order and the normal exercise of police powers by the Government of Katanga.

4. The Government of Katanga must be assured of an appropriate agreement on economic and financial matters. It is prepared to contribute, in a proportion to be determined, towards the public expenditures of the Congo as a whole, and to consider possible means of restoring a unified currency at a later date while, at the same time, maintaining the soundness of its own economy. However, it must have assured authority to levy, within its jurisdiction, the tax to finance the payment of its agreed contribution to the Central Government.

5. The Government of Katanga must be assured of the authority to organize within its jurisdiction the services required for sound administration. In that connection, it is inconceivable that two administrations should coexist in the same place, one subordinate to the central authority and the other to the Katangan Government, with a complex and delicate distribution of powers between them. The administration must function under the direct authority of the Government of Katanga. Wherever necessary, it is this latter administration that must perform any administrative activities for which the

Central Government is responsible in the Provinces, by delegation from the Central Government to the Governments of the political units which make up the over-all Congolese system.

6. The Katangan Government must be assured of the assistance of freely chosen technicians in various fields of activity. In particular it attaches great importance to respect for the principles enunciated in article 250 of the Fundamental Law, which were originally adopted at the request of the Congolese in order to guarantee the success of independence. The Katangan Government cannot understand why the number of United Nations civilian personnel at present staying at Elisabethville should be increasing. In military matters in particular, if a basis for agreement can be reached with the Central Government concerning the choice of technicians to serve in the Katanga Gendarmerie, the latter must have access to the services of technicians and to an appropriate proportion of trainee posts on the same footing as the National Army. The Katangan Government is conscious that all these assurances are prerequisites of the initiative which it is being asked to take, and that the successful outcome of that initiative depends on them. Although that Government cannot fail to be particularly concerned for the future of Katanga, it is nonetheless desirous of serving the Congo as a whole. Most of the assurances it is seeking are at least as important to the future of the Congo and to the happiness of the population as a whole, as to the future and happiness of each constituent part. The Congo will be saved, not by heaping upon the Central Government all the local conflicts which may arise, and thus making every difficulty a general and inextricable problem, but, on the contrary, by localizing the difficulties and their solutions. It is therefore necessary that, when understanding has been restored, the authorities in the various regions should be left the widest possible responsibilities, and that the requisite unity should be ensured through close co-operation among those various authorities. It is not the task of a Central Government to govern the various "provinces" in place of the authorities responsible for them. Its task is to co-ordinate fair and active co-operation among the Governments of the various constituent political units of the Republic. In specifying the assurances which he deems necessary in connection with *de facto* political stability pending the constitutional changes and the aforesaid arrangements with regard to technical assistance, the President of Katanga is impelled by the conscious desire to promote the rehabilitation of the Congo as a whole by laying down certain fundamental conditions, which are as necessary for the recovery of the other regions as for that of Katanga. The rehabilitation of the Congo can be brought about only through the political organization of the distinctive regional entities. It is in order to make our contribution to the happiness of the Congo as a whole that we wish to receive assurances concerning the situation which would be produced by the initiative proposed.

As Mr. Gardiner writes in his letter of 4 April, the document which will come out of the present talks between the President of Katanga and Prime Minister Adoula will have more than local importance. Even if the United Nations does not endorse it formally, any violation of these provisions will not be overlooked by the Organization. It is also necessary that this document, limited as it will be to a few points, should meet with assurances relating to the situation which it would create. While it is true that the United Nations is not required to give formal endorsement to the talks taking place with the Central Government, it is necessary that the document agreed to by the Central Government should create a situation for which the Central Government itself will give these important assurances or, failing that - and in view of the intentions which certain members of the Government and even the Prime Minister appear to entertain, more or less secretly, towards the President of Katanga - that these assurances should be forthcoming in some other valid form.

II. United Nations guarantees

Should the President of Katanga decide to take a bold initiative, as is suggested to him, he must be able to count on United Nations support for his initiative - support which, the Officer-in-Charge of ONUC was good enough to hint, would be forthcoming. Not only would the Katanga Gendarmerie not be placed under the orders of the Central Government, as has been said, but it would also be incumbent upon the United Nations: (1) to adapt the performance of its duties to the situation which would be created by the initiative to be taken, and to decide on appropriate steps to ensure that the Central Government was not given any aid conflicting with the assurances required of it under points 1-6 above, whether they had actually been given or not; and (2) to support the initiative to be taken by the President of Katanga.

1. The President of Katanga hopes that the Officer-in-Charge of the United Nations Operation in the Congo, in the spirit of understanding by which he is prompted, will send him in writing, on behalf of the competent authority, a valid undertaking by the United Nations to guarantee to him in those matters that:

(A) The United Nations recognizes that the President is justified in seeking the assurances enumerated in points 1-6 above, with a view to ending the secession;

(B) The United Nations, even if it does not feel called upon to take any position as to the substance of the assurances properly requested from the Central Government, regards these requests as a matter of internal constitutional disputes in which it will not intervene, and which can be settled only through peaceful negotiation between the Government of Katanga and the Central Government;

(C) The United Nations will take, within the jurisdiction of the Government of Katanga, no action that would conflict with the requests enumerated in points 1-6 above;

(D) The United Nations will withdraw from Katanga without delay such civilian personnel as are not strictly necessary for the operation of its own services;

(E) The United Nations voluntarily decides progressively to adapt the strength of its forces and its military installations in Katanga to the new situation created by the initiative to be taken, in accordance with a plan whose general principles will be fixed by a gentleman's agreement between the United Nations authorities and the Government of Katanga before the President takes the proposed initiative.

If the Officer-in-Charge of the United Nations Operation in the Congo is kind enough to send the President of Katanga a letter containing these guarantees, it should not be made public immediately, in order not to prejudice the discussions taking place between the Prime Minister and the President of Katanga.

2. The President of Katanga also hopes that, in order to support his initiative, the Officer-in-Charge of the United Nations Operation in the Congo will send him, in

the same way, a guarantee in writing that as soon as the President has taken the suggested initiative, and presumably before the Central Government makes known its reactions, the Officer-in-Charge of ONUC will make an official statement concerning the initiative taken by the President of Katanga. The latter hopes that the Officer-in-Charge will announce that as a result of the initiative taken by the President, Katanga is no longer in the state of secession referred to in the resolutions of the United Nations Security Council and the differences which it has still to settle with the Central Government are henceforth a purely internal constitutional dispute that can be solved only by peaceful means.

The President of Katanga thanks the Officer-in-Charge of the United Nations Operation in the Congo for kindly considering this memorandum, in which he has sought to prepare the way for the initiative suggested to him by the Officer-in-Charge. He hopes to be able to take this initiative in the very near future, as soon as he is assured of its potential consequences.

The President of Katanga takes this opportunity to renew to the Officer-in-Charge of the United Nations Operation in the Congo the assurances of his highest consideration.

ANNEX 61

Draft of Joint Communique on Point 2
of working document prepared by ONUC

The Prime Minister of the Republic of the Congo and the President of the Province of Katanga have held a series of talks at Leopoldville with the aim of reconciling their divergent views and making fresh efforts to strengthen the territorial integrity and constitutional life of the Congo.

The Central Government is bound by its oath of office, by its duty to the Congolese Parliament and people, and out of respect for the sacrifices already made by the United Nations, to safeguard the constitution of the Republic of the Congo and to strengthen the integrity of its territory.

The Province of Katanga, whose isolation from the rest of the Congo has been due chiefly to the incidents that occurred at the outset of the Republic's independence and to the resultant confusion, but which has always been anxious to preserve and extend its ties with the rest of the Congo, keenly desires to assure all persons residing in that Province that consolidation with the rest of the Congo will not compromise their vital interests, nor give rise to social, economic and political instability.

In order to reconcile their points of view, and with a view to the speedy and successful accomplishment of their aims, the Prime Minister of the Republic of the Congo and the President of the Province of Katanga have agreed to establish immediately, with the technical assistance of the United Nations, a body which would be made responsible for consolidating the gendarmerie, economy, currency and administrative structure of Katanga with the rest of the Congo.

In such a harmonious consolidation, the fruit of mutual co-operation in the pursuit of a common aim, the question of victory or defeat for either party in relation to past disputes does not arise.

The Prime Minister of the Congo and the President of the Province of Katanga officially and solemnly declare that Katanga is henceforth a part of the Republic of the Congo, within the frontiers of the Republic as they existed on 30 June 1960.

ANNEX 62

Letter from Mr. Adoula to Mr. Tshombe, May 23, 1962

Sir,

I have received your letter number 10/160/VDK of May 21, 1962. In accord with the preliminary talks we held yesterday in the presence of Mr. Gardiner and Mr. Rolz-Bennett, I have the honor to confirm that the Central Government would like the discussions to resume on the basis of the proposals made to you on April 16.

Nevertheless, in a spirit of conciliation and in the hope of safeguarding the higher interests of the nation, I am willing, as you agreed yesterday, to use the suggestions of the United Nations as a basis for negotiations. It is clearly understood that our acceptance to pursue this line does not represent a commitment to the suggestions on the part of the Central Government.

Accept, sir, etc.

ANNEX 63

Draft Agenda for the Adoula-Tshombe Talks, May 24, 1962

1. Adoption of suggestions from United Nations Congo Mission as a basis for discussion.
 2. Preliminary examination of a draft joint communique.
 3. Naming of members of the Commission and subcommittees of reconciliation.
 4. Mandates of the Commission and sub-committees. (U.N. experts must be consulted.)
 5. Specific decisions concerning consolidation.
 6. Signature of joint communique.
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ANNEX 64

Joint Communique, May 25, 1962

The delegations of the Central Government and of Katanga met for the fourth time at 10 a. m. today in the office of the Prime Minister; Mr. Gardiner and Mr. Rolz-Bennett, representatives of the United Nations, were also present.

The two delegations discussed and agreed on the agenda, which they adopted as a whole.

The next meeting is scheduled for 4 p. m. today.

1. Adoption of the ONUC suggestions as a basis for discussion.
 2. Procedure to effect the solution of the territorial integrity of the Republic of the Congo. (a) Terms of reference of the Commission and sub-commissions (United Nations experts to be consulted). (b) Appointment of members of the Commission and sub-commissions.
 3. Specific decisions concerning consolidation.
 4. Acceptance and signature of the joint communique.
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ANNEX 65

Mandate of Military Commission adopted May 29, 1962

Article 1. A Military Commission is hereby established in accordance with the joint communique.

Article 2. It shall be the duty of the Commission to carry out the instructions laid down herein in order to integrate the armed forces of all parts of the Republic of the Congo in an effective manner.

Article 3. The Commission shall:

- (a) Evaluate the manpower and equipment of the existing forces and such increases or reductions as may be required, having regard to the structure, organization, equipment and weapons needed by the forces of the Republic;
- (b) Determine the measures required to integrate into the armed forces of the Republic all military and para-military forces at present maintained in the Provinces of Kasai and Katanga.

A report shall be submitted to the Government of the Republic and the Provincial Governments for approval before the measures are put into effect.

Article 4. In all regions of the Republic where units act in disregard of the policy of integration, ONUC, in agreement with the Central Government and the provincial authorities, shall, while these terms of reference are in effect, take all necessary action to put an end to this state of affairs.

The position of the Government of the Republic and of the Provincial Governments concerned must be communicated to the Commission not later than fifteen days after submission of the reports. In the event of disagreement, a meeting of the governmental authorities concerned shall be convened without delay in order to reach a settlement.

Article 5. The Commission shall be composed of three officers, of the rank of major or above, from each principal military group concerned. The Chairman of the Commission, who shall conduct its proceedings, shall be a member of the ONUC forces and be appointed by ONUC. ONUC shall likewise appoint two members of the Commission, of appropriate rank.

Article 6. The Commission is authorized to appoint mixed groups of observers composed of two members of the ANC Headquarters at Leopoldville and an equal number of members of the principal military groups. These groups shall be headed by a Chairman appointed by ONUC. Under the general direction of the Chairman of the Commission they shall operate in situ with the local military authorities and advise them in order to ensure that the Commission's task is discharged smoothly. The groups of observers shall communicate to the Commission all relevant details of their activities.

Article 7. ONUC shall supply to the Commission and to its groups of observers the secretarial staff required for the efficient conduct of their work.

Article 8. The Commission and its groups of observers shall be free to go anywhere in the Congo and shall have access to all military and para-military camps and installations. ONUC shall be responsible for their safety and transport and for all other relevant administrative matters.

Article 9. It shall be the duty of the Commission and its groups of observers to ensure that the forces of the Congo are integrated smoothly. They shall inform the Central Government, the Provincial Governments and ONUC of all difficulties they encounter in carrying out their duties, including any failure by the personnel concerned to obey orders.

ANNEX 66

Mandate of Transport and Communications Commission
adopted June 15, 1962

Article 1. A Transport and Communications Commission is hereby established in accordance with the final joint communique.

Article 2. The two delegations have accepted the principle that the movement of persons and goods by every means of transport and communication between Katanga and the rest of the territory of the Republic shall be free.

They instruct the Commission to propose to the authorities of the Central

Government and the Government of Katanga the technical measures necessary for the re-establishment of all channels of communication between Katanga and the rest of the territory of the Republic.

Article 3. The Commission shall also be responsible for informing the authorities of the Central Government and the Government of Katanga of any failure to carry out the provisions for the abolition of all restrictions or measures which are now in force and which hamper the free movement of persons and goods between Katanga and the rest of the territory of the Republic.

Article 4. The Commission shall be composed of two representatives of the Central Government, two representatives of Katanga and two representatives of ONUC.

The Chairman shall be appointed by the members of the Commission by joint agreement.

ANNEX 67

Mandate of Economic and Fiscal Commission
adopted June 22, 1962

Article 1. An Economic and Fiscal Commission is hereby established in accordance with the final joint communique.

Article 2. Pending the adoption of the new constitution laying down the appropriate fiscal system, Katanga agrees to participate immediately in the expenditures of the Republic. The delegation of the Central Government takes note of this decision.

The two delegations instruct the Commission to propose to the Central Government and the Government of Katanga the technical measures necessary for such participation and to submit to the Constitutional Commission a technical study of the appropriate fiscal system.

Article 3. The Commission shall propose to the Central Government and the Government of Katanga appropriate measures for the regulation of foreign assistance (technical, financial and other).

Article 4. The Commission shall consist of three representatives of the Central Government, three representatives of Katanga and two United Nations experts.

The President shall be appointed by the Commission by joint agreement.

ANNEX 68

Mandate of Monetary Commission adopted June 22, 1962

Article 1. A Monetary Commission is hereby established in accordance with

the final joint communique.

Article 2. The two delegations have adopted the principle of the establishment of a single monetary authority. They instruct the Commission to propose to the Central Government and the Government of Katanga the technical measures necessary for the establishment of this authority.

Article 3. The two delegations also instruct the Commission to propose to the Central Government and the Government of Katanga the necessary technical measures concerning:

- (a) The arrangements relating to the circulation of the two currencies, taking into account the circumstances of time and place and the requirements of the country's general situation; in accordance with the provisions of the report of the group of experts dated 20 June 1962,
- (b) The elaboration of a national monetary policy, credit policy and banking control policy;
- (c) The regulation of foreign exchange and trade;
- (d) The temporary arrangements and measures needed to attain the objectives set forth in these terms of reference.

Article 4. The Commission shall consist of three representatives of the Central Government, three representatives of Katanga and two experts of the International Monetary Fund.

The Chairman shall be appointed by the Commission by joint agreement.

ANNEX 69

Declaration to the press by Mr. Tshombe in
Elisabethville, May 17, 1962

Two months ago almost to the day, I left Elisabethville on my first journey to Leopoldville, although the people of Katanga would have liked to dissuade me. I was convinced that the higher interest of the country obliged me to proceed, despite the dangers I would run at Leopoldville. Today, it is not the interest of Katanga which obliges me to make the same journey. I am convinced that our position has never been stronger and that the surrender of sovereignty which we are prepared to concede to the people at Leopoldville has never been so great as today - it is, in the full sense of the term, a surrender of sovereignty. However, all Katangans are determined to take this step, because all Katangans feel themselves to be Africans and know that our union with our Congolese brothers is a step, difficult to take, but useful - I emphasize useful, and not necessary - towards the unity of black Africa.

It is in the awareness of this truth that I am going to Leopoldville. Few people, I believe, have accused the United Nations as violently as I. I have done so because what I said was true, because my whole people has suffered humiliation, insults, violence and death because of a few individuals, ignorant or dishonest, who wished to destroy the awakening of a national conscience by making the world believe that we were

motivated only by selfishness or by servility towards foreign financial groups. Naive people, or people scarcely concerned at the plight of a few negroes in the depths of Africa, took the easy course of giving assistance to adventurers with such names as O'Brien or Tombelaine, or whom it is better not to name, like the United Nations representative at Leopoldville who pretended, on 8 September 1961, to be carrying out an order by Mr. Adoula.

Fortunately times have changed. The United Nations, haughty in its strength, has given way to sensible and honest people. The great and noble principles which are the basis of that Organization no longer serve as a hypocritical shield behind which base deeds are done. The United Nations, whose role might sometimes have been criticized but which, let us not forget, is behind the great movement for the liberation of colonial peoples, seems to have reverted to serving its true cause - bringing about peace in the world by returning to all men, whatever their colour, their human dignity. It is because of my confidence that the United Nations has at last turned its hand to that task in the Congo, instead of becoming involved in the rivalries of world groups, that I am going to Leopoldville. The mission of the United Nations must not fail, and my journey will be my contribution to the realization of that high ideal.

It must be understood, however, that I shall be found to be a man of good will only for that purpose. It is a mistake to believe that I can be involved in cunning machinations in order to keep Mr. Adoula in power. I am very disappointed in Mr. Adoula. The purpose of my journey to Leopoldville was to establish contact with him with a view to reaching a true national reconciliation, which is possible only through the inauguration of a federal constitution.

On 16 April 1962, Mr. Adoula submitted to me a draft agreement which is an insult to good sense. For almost two years, we have been fighting because we believe that the Fundamental Law bequeathed to us by Belgium is bad, and Mr. Adoula finds nothing better than to state not only that this law will be re-applied but that its centralizing aspect will be even more marked. Apparently, Mr. Adoula wants the negotiations to fail. It seems as though he is trying to assuage an appetite for power and that, to that end, he wants to destroy Katanga. And that, he believes, he will be able to obtain from the United Nations (for he has no illusions concerning the real power of the Leopoldville Government) only if the talks end in a deadlock and if the situation of 8 September 1961 is repeated, so that he can issue orders to O'Briens and their like.

I am sorry to tell him that times have changed; the new leaders of the United Nations are aware of the realities of Africa, and the generous moneylenders are beginning to question the wisdom of the Congolese adventure. Katanga has put forward a positive solution - federalism based on the interest and happiness of the people. Our ideas are so well known that I need not repeat them here. We are prepared to discuss them and to amend them if necessary, but we must be able to deal with a valid spokesman. I fear that Mr. Adoula is not the man.

I do not say this lightly. No matter how I try to analyse Mr. Adoula's behaviour since independence, I do not find in it a single positive action he has taken which has contributed to the greatness or prosperity of the country. On the contrary, I see much which leads me to believe that he is pursuing a purely personal and selfish interest. Mr. Adoula was a trade-unionist but, at a time when the people of Leopoldville are sunk in poverty and unemployment, he imprisons leaders like Mr. Boboliko or Mr. Makoso who dare to say that the people are hungry. Mr. Adoula calls himself democratic

and tolerant, but it is he who sent Messrs. Finant, Fataki, Muzungu, Nzuzi, Elengeza, Luzau and others to Bakwanga, where they died. Mr. Adoula has had Mr. Kalondji convicted because he imprisons his political opponents. Yet the latter are still in prison in Southern Kasai and Mr. Adoula does not lift a finger to release them. I have mentioned only people who are well known, those who have a certain fame which arouses interest in their plight; but in the prisons at Leopoldville and Makala and at the para-commandos' camp, there are more than 4,000 persons; nor have I mentioned prisoners in the interior who thought that independence meant freedom and happiness.

Mr. Adoula, who is supposed to represent legality in the Congo, cares little for the laws which prohibit such imprisonments. By professing high principles which he did not practise, Mr. Adoula was able to deceive the United Nations and more particularly the Americans who, by the "Council of Lovanium", brought him to power. Since then, he clings to power with all his strength, and he would like to remove the leaders of Katanga from the path which is to lead him to absolute despotism. He thought his moment had come when, at the end of our talks, he left Leopoldville for Coquilhatville, knowing fully well that a complete plan had been prepared for my arrest. Mr. Adoula wanted to establish an alibi. He made a mistake; he showed the world what he was.

So much duplicity cannot take him very far. I am prepared, however, to trust him once more, but I want certain pledges from him. Be assured, these have nothing to do with me personally. The United Nations guarantees are enough for me. If Mr. Adoula is really the democrat he says, if he is truly an African, loving his African brothers, if he is not guided by personal interest, if he believes in freedom, let him release the 4,000 prisoners whose only crime is not to be devoted to him, not to have the same political ideas. When he has done that, I shall consider him a valid spokesman.

So far as I am concerned that is a sine qua non. Freedom is a matter of fact, not of words. When Mr. Adoula has shown that he wants the union of the various parts of the Congo in fact and not only in words, I shall be ready to believe him. We must solve the Congolese problem in the interest of the peoples of the former Belgian Congo. There are so many questions calling for a solution. As an example, I may mention the many unemployed who must find work. Children everywhere must have a proper education and schools must be established for that purpose.

The State University at Elisabethville enables all the best elements of the African peoples to obtain proper advanced training. We are proud of our university, and its principles of Africanism must be applied to all the higher institutions in the Congo. We have always worked in the interest of our Katangan peoples. We shall now work also on that basis, so that all our Congolese brothers may know the same social progress, the same confidence in a happier future. The same smile must be on the lips of the children of the Congo, for whom we must work in order to ensure for them and their descendants a life of happiness, work and prosperity.

ANNEX 70

Letter from Mr. Bomboko to Mr. Gardiner, May 22, 1962

In his latest press conference, Mr. Moise Tshombe, Provincial President of Katanga, declared that the Central Government was holding four thousand political prisoners.

Such allegations, unless denied, can contribute largely to discrediting the Central Government and to compromising the negotiations between the Central Government and the Provincial Government of Katanga.

We are anxious to enlighten international public opinion and to assure the success of the aforesaid negotiations, so we call upon you to name an international commission to make an impartial investigation of this matter.

We are, naturally, ready to offer you all facilities for the success of this inquiry.

Minister J. M. Bomboko

ANNEX 71

Letter from Mr. Adoula to Mr. Gardiner, May 31, 1962

I have the honor to call your attention to the press conference given by Mr. Evariste Kimba in Elisabethville on May 29, 1962, during which he claimed that there were restrictions on the freedom of movement of Mr. Tshombe and in which he expressed doubts as to the status of the Katanga delegation as a free agent in the course of the discussions now in progress with the Central Government.

You will remember the explanations I personally gave Mr. Tshombe and members of his delegation on the need to take certain precautions to avoid incidents that could compromise the Central Government as well as the United Nations in their efforts to live up to their engagements to assure the security of Mr. Tshombe and members of his delegation. Since those explanations were given, we have done our utmost in close cooperation with the United Nations, to facilitate the movement of members of the delegation in all the areas of Leopoldville.

I deem it indispensable to draw your attention to this question since the United Nations and the whole world should know that the Government and the people of the Congo are waiting with open arms for Katanga to resume its place in the bosom of the Congolese family.

We do not want it to be said, after so many days of patient negotiations, that agreements freely arrived at should be nullified because of the erroneous notion expressed and broadcast in the tendentious declaration of Mr. Kimba.

In addition, with regard to alleged "continuous infiltrations" by the Congolese National Army of Katangan positions in the north of the province, I should like to remind you of the terms of my letter of May 28, 1962 (2636/62)*, which corresponds to the one you sent Mr. Kimba.

The Central Government suggested that a joint Commission composed of representatives of the Central Government, the United Nations and the provincial authorities

* See Annex 74 of the present White Paper

of Katanga be immediately established and sent to the area to make an inquiry. The names of the delegates of the Central Government were given you during the meeting. Mr. Tshombe refused to participate in this undertaking, which was designed to eliminate any ambiguity regarding the situation in North Katanga.

ANNEX 72

Security Measures for the Katanga Delegation

1. The Congolese security service will appoint teams of officers, who will remain in permanent contact with the ONUC security service while the Katangan delegation is at Leopoldville;
2. ONUC vehicles used for the transport of members of the Katangan delegation will maintain radio contact with the Royal;
3. ONUC will provide members of the Katangan delegation with identity cards;
4. In order that the members of the security service may have regular hours of work, the hours during which the members of the Katangan delegation may go into the town will be fixed by joint agreement;
5. The ONUC security services will take note of the names of all persons visiting the Katangan delegation at the Royal;
6. Members of these teams, accompanied by ONUC guards, will follow in another vehicle whenever members of the Katangan delegation go into the town.

ANNEX 73

Letter from Mr. Kimba to the United Nations Representative
in Elisabethville, May 27, 1962

I regret to inform you of the following. On May 19, 1962, our security forces reported an advance by the Congolese National Army to within 30 kilometers of Dubie on the road to Mitwaba.

As soon as I received this message, and aware that such news must be received with circumspection, I asked all our services, particularly the General Staff of Katanga's Forces, to verify it.

After verification and analysis, it is absolutely certain that six trucks, four covered jeeps, four mortars, 9 machine-gunners and seven squads of soldiers are now advancing in the direction of positions held by our troops. This unit of the National Army, which also has two motorcycles, is currently at Kishiale.

I call upon you to intervene immediately and personally with Mr. Gardiner, Officer in Charge of the United Nations Mission in the Congo, so that these National Army troops return immediately to their original encampment.

I do not need to hide the fact that the High Command of Katanga's Forces considers the situation grave.

Up to now, the National Army forces have not opened fire since our gendarmerie has been ordered by the government not to advance toward them. But if our gendarmes are attacked in the positions they have always held, they have been ordered to defend themselves. They will then be acting in legitimate self-defense.

It is completely unintelligent of the Central Government to order its troops to leave their positions and advance while negotiations continue.

The government of Katanga wants these talks to take place in the best atmosphere. But if our troops find themselves in a state of legitimate self-defense, they will defend themselves.

Mr. Tshombe's services will keep you constantly informed of developments. But I consider the situation serious and believe you must intervene urgently. In any event, the Katanga government had revealed much earlier that the National Army had been ordered to prepare an attack. It is regrettable that this news is confirmed in spite of Leopoldville's denials.

I count on the United Nations to do whatever is necessary with the Central Government in order that the National Army troops return at once to their encampment.

The Government of Katanga is absolutely certain of its information which has been verified since May 19 and we are ready to allow the United Nations representative to make a personal inspection to check the facts.

Let me insist on the urgency of making decisions on this matter. Any delay allows the National Army to advance and automatically increases the danger of a clash.

For the President of Katanga
Evariste Kimba,
Minister of Foreign Affairs

ANNEX 74

Letter from Mr. Adoula to Mr. Gardiner, May 28, 1962

Sir,

I have the honor of acknowledging receipt of your letter GVT-395/62 of May 27, 1962.

The charges contained in Mr. Kimba's letter were the subject of discussion in the course of talks today with Mr. Tshombe.

The Central Government has requested the immediate formation of a Commission composed of representatives of the Central Government, the United Nations and the

provincial authorities of Katanga which will examine the situation in the field and make a report. The names of three Central Government delegates were submitted to you. They are at the disposition of the United Nations to carry out this mission.

Let me recall in addition that the Central Government gave you copies of telegrams regarding the actions of the Katangan gendarmerie in North Katanga. I insist that the Commission also examine the cases noted therein and submit a detailed report on that subject.

ANNEX 75

Extract of United Nations Document Government 399/62
June 1, 1962

Province of Katanga

Although a complete reconnaissance of the region of Dubie was carried out by the United Nations, results were negative and this was immediately reported to Kimba, who published the following communique:

"We learn that the National Army forces who were spotted in the region of Dubie are now returning to their original encampment. Katanga's forces respected the government's orders and have not engaged in combat."

ANNEX 76

Letter from Mr. Gardiner to Mr. Adoula, June 5, 1962

I have the honor to refer to your letter number 2636/62 of May 28 in which you ask that a joint commission composed of representatives of the Central Government, the United Nations and provincial authorities of Katanga be sent to Katanga to verify allegations regarding troop movements. You will recall that President Tshombe and the Katanga delegation have refused to participate in such a commission. I have made new efforts on this subject but there has been no change in the position they adopted during the discussion.

As you will remember, the reports of aerial reconnaissance made independently by the United Nations were sent to you (GVT/399/62) as well as to the Katanga delegation. Although the charges have not been withdrawn, they are without foundation. In these conditions, and in order to avoid useless friction, the United Nations will continue to check all charges and will furnish a report on them. When observation groups have been formed, they will permit a nationwide effort with the aid of the United Nations designed not only to observe but to end any military action.

R. K. A. Gardiner
Officer-in-Charge of the
UN Mission in the Congo

ANNEX 77

Declaration by the Katanga delegation, June 4, 1962

The Katangan delegation greatly regrets to inform the public that a deplorable incident took place during the Tshombe-Adoula talks on 2 June 1962, when Mr. Sendwe not only threatened President Tshombe with arrest, but went so far as to attempt to summon Prime Minister Adoula's bodyguard to make the arrest. In view of the constant recurrence of such incidents caused by Mr. Sendwe - in addition to the various incidents already reported and the measures taken latterly by the Central Government to keep President Tshombe and his party incommunicado - the Katangan delegation feels obliged, unless radical steps are taken to put an end to his obnoxious attitude, to doubt the good faith of the Central Government and its willingness to arrive at a peaceful solution of the dispute between the Congo and Katanga.

ANNEX 78

Declaration by Mr. Jason Sendwe in answer

I have noted with astonishment the text of a communique just issued by Mr. Henri Ndala Kimbola on behalf of the delegation of South Katanga, which arrived at Leopoldville a fortnight ago to hold talks with Prime Minister Adoula on the problem of Katanga. The communique, which is tendentiously worded, alleges that, as the result of a small incident that took place between Mr. Tshombe and myself, I sought to have the latter arrested by the gendarmes of Prime Minister Adoula's bodyguard. In the first place, I wish most categorically to deny this mendacious accusation, which is merely one of the customary manoeuvres of the representatives of South Katanga. It is inconceivable that, at the very time when Prime Minister Adoula, on behalf of the Central Government, has given assurances to Mr. Tshombe regarding his security while he is at Leopoldville - it is inconceivable that I should act in defiance of this formal undertaking on the part of the Central Government. The only cause of the small incident between Mr. Tshombe and myself is the secessionist attitude of the leader of CONAKAT, who opposes the policy of my party, BALUBAKAT, a staunch supporter of the national integrity of the Congo. My wish, my only wish, I say, is that all our brothers in the south should sincerely and finally forswear their separatist ideas and return to the Congolese fold. I have always expressed, and am still inspired by, the desire to come to an understanding with my brethren in South Katanga, so that we may live in one Katanga, as part of one Congo. As far as I am concerned, the small incident that occurred on Saturday is closed. I have forgotten it.

ANNEX 79

Exchange of Letters between Mr. Adoula and Mr. Tshombe, June 4, 1962

1. Letter from Mr. Tshombe to Mr. Adoula

For more than two weeks now, our freedom of movement has suffered intolerable restrictions.

I returned to Leopoldville in spite of the serious incidents during April in order to seek, in spite of everything, a solution of our problems with you, Mr. Prime Minister.

The incident that occurred during the Saturday afternoon session, June 2, in the presence of representatives of the United Nations reveals an atmosphere that is grave and threatening to the conduct of our negotiations. At the last moment, you prevented the carrying out of the threat to arrest me.

I am grateful. But I cannot ignore that certain circles are preparing plans to arrest us at a given moment if your government wants to.

I am still willing to believe that you really want us to arrive at a peaceful agreement in the interest of the Congolese people but I should like, however, to be assured by the Government before continuing the talks what all these acts mean and what measures have been taken to prevent a recurrence.

The President of Katanga
M. Tshombe

2. Reply to Mr. Adoula to the preceding letter

I am rather surprised at your letter. After my request and your return for the adjournment of the meeting I honestly believed that the incident was closed.

I did not think that it was useful to add new assurances to my intervention because I believe that you share my desire and my determination to end these conversations as rapidly as possible and to find solutions to the problems which afflict our country at this time.

Let me deny categorically that the Central Government ever had the intention or plan to interfere with your freedom of movement or that of your delegation. Therefore, I can renew freely my assurances previously given as to that freedom of movement. I can confirm to you that the Government has no plans to arrest you or the members of your delegation.

In the name of the people of the Congo, I call upon you urgently to resume the talks in the constructive spirit which is beginning to mark our efforts.

Prime Minister
Cyrille Adoula

ANNEX 80

Exchange of Letters between Mr. Adoula and Mr. Tshombe, June 5 & 6, 1962

1. Letter from Mr. Adoula to Mr. Tshombe, June 5, 1962

I have the honor to refer to the talk I have just had with you on this Tuesday, June 5, in the presence of representatives of the United Nations. Let me confirm my desire to renew our talks tomorrow, Wednesday, June 6, at 10 A. M. in my office.

I deeply regretted the rupture without forewarning by your delegation which followed the incident of last Saturday.

My surprise knew no bounds when you informed me this afternoon of your refusal to resume discussions until the Central Government had apologized and until Vice Premier Sendwe had been purely and simply removed from our efforts.

On this subject, let me confirm to you the proposal I made, to wit:

-- any member of my delegation who upsets the cordial atmosphere will be immediately excluded from the meetings for twenty-four hours. Upon his return, he will only be recognized if he presents guarantees that he will respect the atmosphere of confidence and fraternity which should reign over our work.

I believe this proposal is an acceptable compromise.

In the higher interests of the country, I trust that this pledge of mine will satisfy you and that, besides, it will be reciprocal.

Prime Minister
Cyrille Adoula

2. Answer of Mr. Tshombe to the preceding letter, June 6, 1962

In regard to our talk on June 5 in the presence of representatives of the United Nations, I note your letter No. 2818/62/CAB/P. M. whose fourth paragraph particularly attracted my attention.

However, the successful conclusion of my discussions depends primarily on the respect of previous pledges. One would expect that such threats would result in apologies. Especially, one could expect that you would be moved to drop the ambiguity you have created regarding the position of our delegation since our return to Leopoldville, or rather, since your government tried to arrest us at Ndjili on April 17.

In order to prove once again our desire to continue negotiating in the higher interests of the country, we have decided to resume talks. We insist, however, that the man in question present his excuses personally.

The President of Katanga
M. Tshombe

3. Response of Mr. Adoula to the preceding letter of the same date

I have just received your letter No. 10/196/VDK of June 6, 1962.

I note with satisfaction your decision to resume the talks and your presence today in my office is proof of this decision.

In my previous letters, I insisted on the necessity to consider only the higher interests of the country and to dismiss anything which could interfere with our search for a peaceful solution. I note with pleasure that you also are concerned.

With regard to the incident that we decided to consider as closed once and for all, it seems opportune for me to recall that up until last Saturday we had never envisaged the possibility of demanding that members present at the talks, your delegation as well as mine, who verbally exceeded the bounds should have to offer apologies or regrets.

I am certain that, like me, you are concerned that the current talks continue to seek a mutually profitable solution. Thus, I believe that the proposal contained in my letter number 2818/62 of June 5, 1962, is designed to guarantee the mutual respect and necessary serenity in future meetings.

Prime Minister
Cyrille Adoula

ANNEX 81

Letter from Mr. Adoula to Mr. Tshombe, June 7, 1962

At our meeting yesterday evening it was agreed that the next meeting would take place today, 7 June, at 10 a.m.

However, I was not informed until 11 a.m. that the Katangan delegation could not come this morning.

While pointing out that this delay, which involved the Central Government in fruitless waiting at a time when the members of my delegation had a great deal to do, was discourteous to say the least, I regret to have to observe that failure to keep appointments can only delay the solution of the problems outstanding, and also jeopardize the interests of the peoples who have placed great hopes in the success of these talks.

Prime Minister
Cyrille Adoula

ANNEX 82

Letter from Mr. Adoula to Acting Secretary General U. Thant,
June 7, 1962

The current state of the talks between the Central Government and the leaders of the Province of Katanga leads us to share with you the preoccupations and fears of the Central Government as to the future of these talks.

The agreement reached on military problems has opened major perspectives toward a peaceful solution of the Katanga question.

Since the most delicate problem has been solved, we could believe that the other questions, which were much less important and on which there seemed to be

agreement in principle between the delegations well before the negotiations opened, would not raise any unsurmountable difficulties. If the goodwill demonstrated on both sides in solving the problem of the gendarmerie continued, we would seem to be nearing rapidly a general agreement on the re-absorption of the Katanga secession.

However, we are forced to recognize that the talks, after a promising start, seem today to be in considerable danger. The realistic spirit which prevailed at the opening of the talks and which we believed to be permanent among the Katanga leaders seems to have disappeared completely in the last few days. More and more, the Katanga delegation seeks the most widespread pretexts to reject an accord on questions held in abeyance although they have the same basis as the agreement on military problems. The United Nations experts participating in the talks have themselves been able to note the contradictory positions adopted by the Katanga delegation. What is more serious, the leaders of the province of Katanga are trying more and more to provoke a rupture of talks and are trying to impose conditions on the Central Government. Thus, following a lively exchange between Vice Premier Sendwe and Mr. Tshombe, the Katanga delegation broke off the discussions unilaterally. For two days, Mr. Tshombe kept imposing the most varied obstacles to a resumption of the talks, going so far as to demand the exclusion of Mr. Sendwe from the discussions and apologies by the Central Government. The Officer-in-Charge of the United Nations Mission to the Congo has certainly informed you of the amount of patience and efforts he and the Central Government have employed to persuade Mr. Tshombe to abandon his decision to break off the discussions.

Although the talks have finally resumed, the members of the Katanga delegation continue to display their desire to break off the talks.

There are two explanations for the current attitude of Mr. Tshombe:

1. On the one hand, to try to gain as much time as possible to reinforce his military positions;
2. On the other, to avoid being disavowed by the Katanga leaders in Elisabethville who have not accepted the agreement on the gendarmerie. Mr. Tshombe has stiffened his position to keep in line with Elisabethville's extremists.

The current situation, therefore, is most precarious. The Central Government has demonstrated up to now its good will and an unprecedented spirit of conciliation. Unfortunately, it seems evident that the Government's desire to reach a solution does not correspond with the attitude of the Katanga authorities.

I wanted to inform you of my apprehensions, Mr. Secretary General, because I am convinced that the current conversations may be broken off at any moment by Mr. Tshombe on some pretext. I believe it is my duty to draw your attention to this situation in order that international opinion may know that a rupture of the talks could only be caused by the Katanga authorities and that the Central Government, still animated by the desire for a peaceful solution to the Katanga problem, can only reach this objective if a similar desire exists in the other camp, which unfortunately does not seem to be the case.

The Central Government agreed again to negotiate with Mr. Tshombe on the instances of the United Nations and because it wanted to protect its people from the plague

of fratricidal war, although previous experiences had shown that the Katanga leaders are only trying each time they agree to negotiate to gain time to prepare the following military phase.

We commit a major error if we think that Mr. Tshombe would agree to a sincere and responsible discussion unless heavy pressure is brought to bear on him. At this very moment, we should begin to plan for other solutions if the current talks should be interrupted or if they lead to failure as the present attitude of Mr. Tshombe indicates. All the precedents in the Katanga affair urge us to envisage alternative solutions in the event that the current policy leads to a deadlock.

In that event, I am convinced that, just as in the past, the Central Government will find the United Nations at its side.

Prime Minister
Cyrille Adoula

ANNEX 83

Press Communiqué distributed by Mr. Tshombe, June 12, 1962

At Leopoldville today, Mr. Moise Tshombe gave the Press to understand that there was still a long way to go before an understanding could be reached with Prime Minister Adoula. The Katangan President was invited to a reception given by Mr. Robert Gardiner, Officer-in-Charge of the United Nations Operation in the Congo, in honour of the two delegations, at which journalists were present. He was very discreet in discussing the outcome of his talks with the Central Government which should, in principle, lead to the reintegration of Katanga into the Congolese Republic.

According to Mr. Tshombe, after three weeks of discussions, the only agreements reached are on matters of procedure, while the problems of substance remained untouched. The Military Commission which is to arrange for the absorption of the Katangan gendarmerie into the ANC has not yet been formed and, in any case, Mr. Tshombe said, its role will be simply to submit suggestions to the two Governments; it will have no power to decide anything by itself.

With regard to the currency, the fate of which is now in discussion between the two delegations, Mr. Tshombe seemed in no hurry to reunify his own, which has been circulating in Katanga alongside that of the rest of the Congo, for the past year and a half. "It would serve no purpose", he pointed out, "to drown the Katangan franc, which is still worth something, in the present devaluation of the Congolese franc".

Mr. Tshombe, who had had no chance to make contact with the Press before this, took the opportunity to speak his mind. He made a point of reaffirming that, in spite of everything, the talks would go on until an agreement was reached.

ANNEX 84

Communiqué distributed by Mr. Adoula in response

We were astonished to learn of the declarations Mr. Tshombe made to the press yesterday. Aside from the fact that these declarations and the false accusations they contained therein are a deliberate provocation by Mr. Tshombe aimed at disturbing the atmosphere of the talks, the attitude of the provincial president of Katanga represents a violation of the pledges made by the two delegations to limit themselves to distributing press releases signed and published by both sides. It should be recalled that this pledge to publish only press releases agreed to by both delegations was made on the insistence of Mr. Tshombe. His attitude frees us henceforward from that engagement.

The Provincial President of Katanga apparently is questioning the agreement reached on the mandate of the military commission when he declares that accords have only been reached up to now on procedure while the basic problem is untouched.

This ambiguous attitude of Mr. Tshombe does not surprise us but will demonstrate to those who still believe in his good faith the lack of sincerity with which Mr. Tshombe is trying to settle the Katanga problem.

Mr. Tshombe is still using the same technique: he hurls the most far-fetched charges at the Central Government to conceal his evident inability to make a firm decision on Katanga's future. Mr. Tshombe grossly underestimates international opinion if he thinks it can still be impressed by his maneuvers.

Prime Minister Adoula agreed to negotiate with Mr. Tshombe because the Central Government wishes to arrive at a peaceful settlement of the Katanga secession and it has proved its good faith all along during the talks which took place in the presence of representatives of the United Nations. It is hardly necessary to underline that the Central Government would never have agreed to open talks which have lasted almost four months if it had the intentions that Mr. Tshombe claims it has.

The Central Government has not encountered the same attitude on the opposing side which, contrary to solemn declarations about abandoning all pretensions to Katanga's sovereignty, is acting as if the reverse were true and employing every obstructionist method during the talks in an effort to cause the negotiations to break down.

Barely a month ago, on the question of currency, Mr. Tshombe sent Prime Minister Adoula a memorandum which he suggested as a basis for discussion and in which the following was stipulated:

"The principle of a single currency for the entire federation is accepted. However, during the transitional period, Katanga's currency should be used.

"After new currency has been issued by the federation, Katanga's currency will be withdrawn from circulation at a rate of exchange fixed in agreement with the Central Government."

In the course of discussions going on now, Mr. Tshombe adopted an attitude which has no link with that of his memorandum. As a matter of fact, it is frankly the opposite. And this change has taken place within one month. This reversal does not

surprise us because it is not the first time that Mr. Tshombe has tried to deny his engagements. But one should not continue attempts to deceive opinion by false declarations for propaganda purposes.

International opinion should realize that it is solely because Mr. Tshombe does not respect his agreements, does not implement his commitments, that the current talks are marking time.

Nevertheless, the Central Government hopes that the Katanga leaders will finally understand that the present double-dealing cannot achieve the rapprochement so long desired by the people. We trust that the Katanga leaders will finally yield to reason.

ANNEX 85

Letter from Mr. Tshombe to Mr. Adoula, June 20, 1962

For some time now I had been told that the soldiers of the Congolese National Army were pushing forward toward the regions of Kongolo and Baudouinville. I now learn that the National Army has just launched a simultaneous attack on these two regions.

The Katanga delegation and I myself protest energetically at these military operations which threaten to interfere with the progress of our talks. It is with surprise that we realize that at the very moment we are striving for a peaceful solution to the Congolese crisis the Central Government is sabotaging the understanding so dear to the hopes of the Congolese people.

I should be grateful for your explanations.

The President of Katanga

ANNEX 86

Letter from Mr. Adoula to Mr. Tshombe, June 20, 1962, in answer

I am deeply astonished by your letter number 10/269/MJ of June 20, 1962.

As a matter of fact, the Central Government has never ordered the Congolese National Army to launch an attack either in the regions you mention or in any others. In addition, an inquiry occasioned by your letter proves that there never were any such attacks and that the situation is calm in the areas mentioned.

In any event, the Central Government requests that an inquiry commission composed of representatives of the Central Government, of the provincial government of Katanga and officers of the United Nations should make an on-the-spot inspection of the situation you mention. The Central Government has already named as its representatives the persons whose names were presented at the time of your protest regarding Dubie.

The Central Government considers the present talks so valuable that incidents such as you call attention to, even if they really existed, which they do not, should never be allowed to result in a suspension of negotiations.

At a time when our efforts to find a peaceful solution are on the verge of succeeding, I am convinced that you share my desire to subordinate all other considerations to the success of these talks.

So I firmly trust that the discussions will resume tomorrow morning at ten o'clock as we agreed this morning.

Prime Minister
Cyrille Adoula

ANNEX 87

Letter from Mr. Tshombe to Mr. Adoula, June 21, 1962, in answer.

Further to my letter number 10/269/MJ of June 20 and in response to your 2988/62 and 2989/62 of the same date, let me confirm that military operations were really launched thirty kilometers from Kongolo by soldiers of the Congolese National Army from Ebombo.

I should like to reiterate in this letter my desire to arrive as rapidly as possible at a solution to the Congolese crisis in the interest of all the people, but I must regretfully remark that the Central Government is making no attempt to permit me and my delegation to work in a climate of calm and mutual confidence.

I continue to hope that the observers who were sent this morning to the troubled area will bring us comforting news which will allow us to negotiate in a serene atmosphere.

The President of Katanga,
M. Tshombe

ANNEX 88

Exchange of letters among Mr. Gardiner, Mr. Adoula and Mr. Tshombe, June 22, 1962

1. Letters from Mr. Gardiner addressed to Mr. Adoula and Mr. Tshombe respectively

The charges made and discussions held during the present talks regarding troop movements indicate a reciprocal desire to avoid any conflict and to seek peaceful means of resolving the problems confronting the Congo.

As will have been apparent, these charges have made it difficult to create a tranquil atmosphere in which constructive discussion can take place.

The unfortunate allegations of Wednesday last prove once again that this peaceful climate, which has facilitated discussions up to now, can be disturbed at any moment.

In the light of the findings yielded by the inspection tour which Minister Kimba carried out yesterday, accompanied by the acting representative of ONUC at Elisabethville, and which enabled him to ascertain the facts quickly, and also in order to avoid

disturbing the current discussions in any way, the United Nations has decided, with the co-operation of the Central Government and that of Katanga, to station groups of observers in the Kongolo/Kabalo and Baudouinville/Albertville areas.

The Kongolo/Kabalo group will be stationed at Kabalo.

The Baudouinville/Albertville group will be stationed at Baudouinville.

These groups of observers should be given all necessary assistance in carrying out reconnaissance by air and road in the areas in which they are posted.

In addition the United Nations intends to ask the Press correspondents to designate four representatives, two of whom will be attached to each of the groups of observers thus set up.

The decision I have the honour of communicating to you herewith should be applied immediately, and I should be grateful if you would kindly signify your consent as soon as possible so that the groups of observers may be posted in the course of the day.

2. Reply by Mr. Adoula

I have the honour to confirm to you the agreement of the Central Government to your proposal to set up groups of United Nations observers at Kabalo and Baudouinville, to which your letter GVT/448/62 of 22 June 1962 refers.

I am happy to note that the United Nations was able to ascertain on the spot the inaccuracy of Mr. Tshombe's accusations regarding the ANC.

I would recall, moreover, that on 20 June, immediately upon being informed of Mr. Tshombe's accusations, the Central Government asked for United Nations observers to be sent to the areas in question.

Accept, Sir, the assurances of my highest consideration.

3. Reply by Mr. Tshombe

I am in receipt of your letter No. KAT/121/62 of 22 June.

I appreciate your desire to restore a tranquil atmosphere in which constructive discussions can take place; indeed, I referred to the same matter in my letter of 20 June.

With regard to your proposal to send groups of observers to the Kongolo, Kabalo, Baudouinville and Albertville areas: since this matter falls within the terms of reference of the Military Commission, it will doubtless be settled as soon as the members of that Commission and the observers are appointed.

ANNEX 89

Letter from Mr. Tshombe to Mr. Gardiner, June 18, 1962

I have received your letter number KAT/115/62 of June 18, 1962 in which you

report a protest by General Muke on different matters. This protest, you write, was published in Essor du Katanga.

You say that the matters reported have been disproved, except for one question. I am not in a position at this time to verify the truth of these matters but I know the prudence of the General in such affairs.

My information leads me to fear a certain unrest among Katanga's troops as a result of the recent declarations of the Secretary General of the United Nations about mercenaries. Katanga's troops fought valiantly to preserve the independence of the state and the land of our fathers. They cannot comprehend that the highest international authorities constantly revive the fiction of mercenaries. It is as if people were trying to make the public believe that a tiny handful of foreigners could claim the credit for what Katanga's forces gloriously accomplished in hard battle.

Should I also point out that in the past the question of mercenaries has been brandished each time a justification was needed for new military actions? It is not surprising in these conditions that the armed forces are worried.

The incidents and the protests are the manifestations of such concern.

These developments make me think that it would be good if I were to return shortly to Elisabethville where I could try to calm the worries and settle the difficulties that might arise. In addition, my poor health, a result of a prolonged stay in limited quarters with a complete lack of movement, may get worse.

In accord with our conversation yesterday, the proposed date for my departure, Tuesday, June 26, would suit me perfectly.

The President of Katanga
M. Tshombe

ANNEX 90

Letter from Mr. Adoula to Mr. Tshombe, June 20, 1962

The Officer in Charge of United Nations Operations in the Congo has just handed me a copy of the letter you sent him on the 18 of this month in which you enounce among other things your desire to return to Elisabethville on June 26.

The Central Government has no objection to the principle nor the date of your return to Katanga. The guarantees given you accord you absolute freedom of movement and the government has not the slightest intention to infringe that freedom.

Setting the date for your departure should cause us to speed our current efforts so that we can finish our talks before June 26.

I have the honor to give you the Central Government's confirmation of the point we agreed upon this morning. In addition, I take pleasure in recalling the essential points outlined by the Central Government to arrive at this result and which you accepted:

1. Strict observance of the time of reunions;
2. Establishment of night sessions so that working meetings will take place every day at the following hours: 10 to noon; 4 to 6 P. M. and 9 to 11 P. M. except on Sunday when there will only be two sessions, one from 4 to 6 P. M. and the other from 9 to 11 P. M.
3. However, on June 20, there will be no night session, although the meeting starting at 4 P. M. can continue until 8 P. M.
4. In order to finish our work before June 26, the accord on the mandate for the commissions should be reached: June 20 in the evening for the economic and fiscal commission, June 21 in the evening for the monetary commission. In addition, the naming of commission members and the accord on the final communique should be reached on the evening of June 25 at the latest.

I truly hope that these accepted schedules can be observed and that we can announce on June 25 to the people that a definitive accord has been reached on the Katanga problem.

Prime Minister
Cyrille Adoula

ANNEX 91

Letter from Mr. Adoula to Mr. Tshombe, June 22, 1962

During the meeting of June 20, 1962, we agreed on a working program so that the current talks could be completed before the date of your return to Elisabethville on June 26.

It has not escaped your attention that as a result of the last suspension of talks, the agreed program can hardly be followed.

I think, therefore, that in view of our mutual desire to reach a conclusion before your return to Elisabethville, new dispositions should be taken and a new working calendar provided.

Therefore I have the honor of asking you to inform me of your intentions in the event, as is probable, that the talks have not been completed on June 25.

Prime Minister
Cyrille Adoula

ANNEX 92

Exchange of letters between Mr. Adoula and Mr. Tshombe, June 25, 1962

1. Letter from Mr. Tshombe to Mr. Adoula

I acknowledge receipt of your letter number 3147/62 of June 22, to which I have given careful attention.

As I write these lines, it is clearly evident that the agenda of the second phase of our talks has been virtually exhausted.

As I have told you repeatedly, the duties of my office and the state of my health do not permit me to remain longer in Leopoldville.

Since my absence will be temporary, I suggest that we agree on a new working calendar as soon as I return to Elisabethville. Since the working out of such a document necessarily implies setting a precise date, I can only do this from Elisabethville where I will learn the extent of my obligations.

The President of Katanga
M. Tshombe

2. Letter from Mr. Adoula to Mr. Tshombe

I have just received your letter number 10/285/VDK of June 25, 1962.

I am delighted to see as you do that the agenda of the current phase of our talks has been exhausted. I therefore see no reason why the joint final communique should not be signed this evening.

When our talks opened, we both hoped that they would reach their conclusion fairly rapidly. Unfortunately, the conversations were suspended several times which delayed the conclusion by at least ten days.

However, in spite of these delays, the work is sufficiently advanced for us to conclude this phase this evening with the signature of the final communique.

I therefore see no use in establishing a new calendar since our next meeting has already been set and the working schedule of the commissions already planned.

Prime Minister
Cyrille Adoula

ANNEX 93

Extract of verbatim report of second talks at Leopoldville last session, June 26 and 27

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| ADOULA | We have just handed you a draft of the final communique which we are to discuss. Let us examine it article by article. |
| KIBWE: | On either side there are similar points. |
| BOMBOKO: | In regard to your draft of the final communique and before we start discussion we should underline certain rules that can serve as a basis for debate. In the interest of speed, the final communique should only consist of those subjects which have already been discussed. Even in regard to those subjects already handled, it is not possible to add |

elements which might either change the meaning or limit or enlarge the scope. The joint communique should be the resume of everything that we have accomplished here. If I speak of these rules at this point, it is because I note that a lot of new elements have been added which can give rise to endless discussion. In addition, I should like to make another remark. A little while ago, we agreed to reject transitional measures. Now I find that these same measures have been reintroduced, and that inevitably means further argument. It is absolutely indispensable that we keep from cluttering the bases which summarize all our efforts.

TSHOMBE: I felt it essential to spell things out. This is one of the principles I have always defended. I understand your remark and I do not believe that we are too far away from your interpretation of our draft. Let me take as example Article 1 where I explain the efforts we have made. That was the creation of the commissions. In Article 3 I again explain everything that was said in order to avoid any misinterpretation in the terms of reference to be given the commissions. Articles 4 and 6 do not require discussion. Where I believe your remark pertains is particularly in Article 6 and if you reflect on it you will agree with us. Article 6 allows each of us to leave this meeting assured of peace. I do not wish to overly insist and when we reach G where we speak of amnesty, the word Katanga should be replaced by all the Congo. You want this amnesty to be restricted to Katanga and we believe that the moment has arrived for it to apply to the entire country. When we end with Article 8 in which we express our wish to meet again, I believe that we are agreed on the question of continuity. This is, in a few words, a summary of our ideas.

KIBWE: Contrary to what Mr. Bomboko claims, the position stated in the final communique is definitive. When you speak of a return of Katanga, we tell you frankly that this has been sabotaged by the entrance of National Army troops. The question of abolishing the Extraordinary Commissioner is a controversial one when we arrive at point C, but it is not new. Before pledging allegiance to the Federal Constitution, we want to be ruled by our own Constitution.

ILEO: Our position is clear and I trust you will make an effort to understand us. We have spent a month discussing the formulation of four points. I would like to assure each of you that your seven points merit even more profound examination than the four points we have spent a month over. At first glance, I think that we should extend these talks. That is my own personal opinion and I remember the long hours during which we discussed points which are not included. I think we should put in the phrase: "maintenance of the unity of the Congo within its frontiers as fixed on June 30." Preservation of constitutional structures does not mean anything since if I recognize you as a government it is by virtue of the Fundamental Law. Speaking of point F, from your point of view, we would have to define exactly what is meant by "hostile acts". You speak of the Katangan Constitution. Fine, but only in so far as that Provincial Constitution does not infringe on the Fundamental Law, which I respect. Let us not raise points which call for additional points which, in themselves, will require days and days of study. Let us put these points aside and let us start by examining

only the points we have treated here.

KITENGE: Your reasoning doesn't hold water. You say that we should not revive discussion on the points that we have already debated and on which we could not agree. We want unity, but you are imposing conditions. If you are unhappy about certain items, I can answer you that we also have never reached agreement on territorial unity and integrity.

ILEO: Our text puts together what we have discussed. It is a resume of our debates.

KIBWE: There still is a state of war in Katanga. How do you expect us to allow our enemies to inspect our actions? Only two weeks ago, there was fighting again at Kongolo.

ILEO: You mean that we should withdraw the National Army from its present positions? Let me answer you simply: even if these troops were far from Katanga, we could reach an agreement if we sincerely want it.

KIBWE: I was talking about the Transport Commission: how are we to repair a bridge when there is still a state of war between us? We agreed on a Commission for Transport, but for what end? I think there must be some formula which caused us to come here to negotiate. We cannot accept that some people can go casually into our territory.

BOMBOKO: There is no state of war ... or else we are here like two distrustful accomplices. All that happened was that there were armed clashes caused by your mercenaries. Let us take up the proposals of the joint communique and examine the points on which we are agreed instead of spending our time going around in circles. We feel it is absolutely necessary that we arrive first at some conclusions to our work.

KITENGE: We are here to negotiate positively. We should speak first about the armed clashes.

BOMBOKO: That's like asking an invalid to get rid of his fever before he tries to cure himself. The effects exist because there is a cause. If we agree here, I doubt whether anyone will sabotage our agreements. I do not believe that you can place conditions on implementing what we have discussed here for weeks, especially the condition of "ending the state of war." We are gathered to recreate a climate of confidence.

KITENGE: This is our proposal: there were armed clashes between us, so let us start by separating the combatants. We do not understand how two people who are fighting can start by setting conditions instead of separating. We sympathize with the men who are fighting. We beg of you to agree to a general truce. On what other basis can we set a demarcation line?

KAMITATU: It is now midnight and we must reach some solution. Do you want us to proclaim that our troops will fight no longer? Mr. Kitenge says: "Let us proclaim that we are ending today the state of war." There is no state of war. We feel that there is one region in the Republic which is living under a de facto regime. It is not the kind of regime generally in

existence in all the other regions. The problem of this *de facto* situation must be solved. We are not pinpointing the case for this situation. You insist on first eliminating the cause. We answer as follows: the fact will disappear on the day we accept another constitution, a Federal Constitution. The status quo remains.

BOMBOKO: We are here to end secession. When we met at Kitona, we confronted a very different set of circumstances. When you speak of a truce, you are speaking of an end to hostilities. But there is no fighting anywhere.

TSHOMBE: I think that, I believe that all this is a pity. We cannot accept that we have spent all these hours not to arrive at any result. We should not neglect the work we have accomplished during the past six weeks. We worked and discussed on the terms of reference of the four commissions. Two essential points remain: special dispositions and a final communique. Let me tell you: this is not an easy job, Mr. Prime Minister. We should re-examine the situation. This final communique we are both to sign is not a document that can be examined lightly by debating each word. We will never arrive at an understanding. We must, as historic men, we must be aware of the problems and not try to destroy everything we have accomplished. Let us consider the efforts of the past six weeks. We have two proposals before us. When I read the two proposals, I do not see how we can reach agreement. If all of us are motivated by good will, let me suggest a solution: we have welcomed Mr. Gardiner as a representative of the United Nations. Let us give him our two proposals, for his arbitration. Let Mr. Gardiner examine the proposals and then make suggestions for a compromise. I do not wish to destroy the climate of confidence. The world must learn that despite everything we have accomplished something.

ADOULA: I am deeply touched for several reasons. During the period we have been here negotiating we have learned to know each other and even to know the problems which occupy us. I had decided to use your proposal as the basis for an opinion, or rather to criticize your plan but I shall not do this, in view of your proposal now. It may well be that these two texts can be reconciled.

Mr. Gardiner, you have permission to examine this work, that is our two proposals. Be an arbiter for us. The text you will propose, if I understand rightly, will be accepted without further discussion.

TSHOMBE: No, Mr. Prime Minister, we cannot put Mr. Gardiner in an impossible situation. Mr. Gardiner will suggest a text and if we do not like it, we will reject it.

GARDINER: This is not an easy task. I shall do my best. Let me emphasize, I do not want to raise false hopes, I shall do my best.

The meeting is adjourned for approximately one hour

GARDINER: I have tried to make a faithful summary of your work. In regard to Paragraph 2, I had some hesitations. There is another paragraph in which I speak of removing all obstacles. I have taken into account all

the points raised by the Katanga delegation in its draft. We ourselves have roadblocks in Elisabethville. Therefore, when I speak of meeting again to remove all obstacles, I think it would be more useful if you were to examine these documents paragraph by paragraph.

TSHOMBE: Let me say that Mr. Gardiner and his aides have done a fine job in presenting this text which I see for the first time. It is completely objective. However, since it deals with a final communique, my delegation would like this communique to be complete and contain those elements which would enable us to finish our job. The text is not complete because several elements are missing and we could not justify this after we leave Leopoldville. The text is not complete; it lacks certain precisions and a number of guarantees.

GARDINER: If you would examine the text paragraph by paragraph you would find the points about which you want to make remarks.

TSHOMBE: Paragraph two pleases us, but, as I have said, the draft is not at all complete.

KITENGE: Actually, there is a warlike spirit in Elisabethville. Mr. Gardiner, let us agree to remove the roadblocks in Elisabethville and the final communique will come later.

KIBWE: It is assumed that we have agreed to the commissions with a view to reintegration. But under what conditions? Will we have no recourse once the commissions have done their work? We stated that we would not accept reintegration without conditions.

GARDINER: I presume that what you are emphasizing is the Constitution of Katanga. I worked over these two texts and I noted that the Katanga text speaks of a Confederal Constitution. What was important for you was the continuance of the Katanga Constitution. At this point you are about to make decisions on the basis of the terms of reference. If these questions are not covered in my document that does not mean that they are not going to be debated in the course of these discussions. Either we solve all the problems in one fell swoop or we discuss in positive terms.

KAMBOLA: We will not accept in the face of threats.

GARDINER: What threats? Either you consider this as a first step or you consider it as a final meeting. If you decide in favor of a meeting to solve all the problems, I doubt that we will arrive at any results. What have I said that is threatening?

KAMBOLA: Our Constitution maintains that when the various sections of the Congo are reorganized, Katanga will reintegrate. We ourselves have said that we will contribute to the Congo's expenses.

KITENGE: Let us say that up to the present the commissions represent a first step toward the reintegration of Katanga.

ADOULA: Let me suggest, Mr. Kitenge, that you speak to us rather than to Mr. Gardiner.

KITENGE: Yes, but we need explanations to understand what certain words mean.

ADOULA: I do not see why you wish to engage in an exclusive dialogue with the United Nations.

BOMBOKO: Up until now, it seems that the Central Government has been charged with writing a Constitution. I would like to know if the implementation of the terms of reference of the commissions must wait upon the moment when we have prepared a Constitution.

KIBWE: In our minds, there is no question of imposing a condition that would delay the implementation of these commissions. But this is the condition upon which we insist: we will not reintegrate before federalism has come into being, but in the meantime we will continue to contribute to your expenses. The matter was presented as a unilateral obligation.

BOMBOKO: What is that condition?

KIBWE: Our condition is aimed at the present rulers of the Congo and our return is conditional upon a Federal Constitution which we accept.

BOMBOKO: You keep asking for guarantees. We say yes. Why are you not satisfied?

KITENGE: Our reintegration depends upon a Federal Constitution.

BOMBOKO: Isn't that what I said before?

ADOULA: You mean that until you have seen the Federal Constitution you will remain a separate state?

ILeo: I repeat what Mr. Kitenge said: "We start now on measures for implementing integration. We absolutely want to be governed by a Federal Constitution." We have said very much the same thing. We say that integration begins with the measures of implementation that we decide now. We foresee a Federal Constitution which will preserve the unity of the country with a large degree of autonomy. You must understand our concern for the maintenance of the Congo's unity. Make us a proposal. When you speak of point 8, you speak of your Constitution. Make a proposal which corresponds to our spirit and what we want.

ADOULA: Do you have any remarks to make on the five points proposed by the United Nations? We agree, don't we, that we must employ very precise terminology.

KIBWE: The word consolidation presumes first of all an agreement in principle. We can help you consolidate while we remain separate, that is to say, outside the government.

KITENGE: We are beginning to build something. We can change just a few words of Article 1 and the entire United Nations draft is acceptable.

ADOULA: We have not said that we refuse your conditions, but I am going to read the document article by article.

All the delegates agree; Article 1 is adopted with a slight change.

It is two-fifteen in the morning. Mr. Tshombe says the following: I am leaving. I give a free hand to all my assistants. If they agree, I will sign the final communique out of hand. Specifically, I give authority to Mr. Kibwe.

ADOULA: Article 2: "These Commissions will submit to the Central Government and to the Government of Katanga proposals which must be approved before they are put into effect."

KIBWE: We want to add: "which will be decided by the Central Government and the Government of Katanga on the suggestion of the United Nations and will be set by joint agreement so as to be synchronized."

ADOULA: I suppose that Article 3 is agreeable to you in part. It is awkward to subordinate for example the Monetary Commission to that of Transport. Article 3: "The two delegations have agreed to meet again within a period of six weeks to take all necessary steps."

KAMITATU: Mr. Gardiner, what is the point of this article which speaks of meetings to be held?

BOMBOKO: The Prime Minister has asked a precise question when he says: Are you in agreement on the five points of the United Nations? You answered that you were, in principle and that we would examine the matter article by article. Finally, at the end of this work, you will make your suggestions regarding what is missing and we will make ours and the question is settled.

KITENGE: I said that we are in agreement on one point and that we are here simply to do the spadework.

BOMBOKO: If we really wish to adopt a text here, there are many methods, some better, some worse. In discussing a text, one approves it article by article. At the end, if you have suggestions to make, we will complete the matter. For our part, we will also make suggestions and we also will arrive at a complete text.

ADOULA: Let me ask each of you: is that not the method we have been using?

KITENGE: Mr. Prime Minister, let us begin again article by article. In any event we do not agree with Article 1. We are here for reconciliation, not for reintegration.

ADOULA: What is your position on Article 2?

KITENGE: We do not accept it.

ADOULA: Since there is disagreement on Article 2, here is my counter-proposal: (The Prime Minister reads the Government's counter-proposal.)

KITENGE: How do you plan to accomplish this consolidation?

ADOULA: We have taken steps to create the Commissions.

KAMITATU: Has Article 1 been adopted?

KITENGE: I will only accept that article if we agree on another Article 2. The consolidation of territorial integrity is conditioned on the adoption by Katanga of the new Federal Constitution. Until it is adopted, Katanga will be governed by its own laws.

ADOULA: Mr. Kibwe, it is 4:45 in the morning. We should go more quickly. I do not understand. Let me ask you, who are the acting head of the delegation, one little question. You say that your condition for re-integration is the adoption by Katanga of the Federal Constitution; in other words, your reservation applies to the transitional period. But when we received your text, not only had this position been put aside, but there also had been an evolution in your delegation's outlook which is striking. You said: during the transitional period the following measures should be applied: 1) in order to promote economic relations, the deputies and senators of Katanga would continue to meet in Leopoldville, 2) the administrative structures of Katanga would continue to function as before and serving members would be maintained in office, 3) the organization of the Katanga Gendarmerie would be maintained and would remain under the control of Katangan authorities. Only after the ratification of the new Constitution would the superior officers pledge allegiance to the President, etc. I am beginning to ask myself if there truly is a wish to finish this work and to finish it properly. I call upon Mr. Kibwe to answer me.

KIBWE: What are you complaining about in our position?

ADOULA: Your position is constantly changing. For the transitional period you speak of the Constitution of Katanga. Do you know what that means? What role will be occupied by the legislators?

KIBWE: Katanga's legislators will have a lot of work, for example, they will offer amendments to the Fundamental Law. But, in any event, Katanga will maintain its Constitution: confederation.

ADOULA: I am going to tell you exactly what I believe. I am sorry to say that you are simply being obstructive. The fact that Mr. Tshombe has left us since two o'clock in the morning convinces me that the whole thing is premeditated.

KIBWE: Be careful, Mr. Prime Minister, I can say that to you also.

Note: The Prime Minister showed the delegation certain documents signed by Mr. Tshombe in which he expresses doubts as to the success of the talks. It was six o'clock in the morning. The meeting adjourned.

ANNEX 94

Special Dispositions

The Central Government pledges to place before the Legislative Chambers, within three months, a draft of a federal constitution protecting the unity of the Republic and guaranteeing real autonomy to the regions. It pledges to defend the project before the Legislative Chambers.

The Central Government undertakes to have the procedures provided by the Fundamental Law for the drafting and adoption of a new Constitution duly respected, namely articles 100 and 101 thereof.

The Government of Katanga formally records this pledge.

In exchange, the Government of Katanga pledges to respect the integrity of the Territory of the Republic within its June 30, 1960, limits.

ANNEX 95

Draft of final joint communique presented by Central Government

The Prime Minister of the Republic of the Congo and the President of the Province of Katanga have held a series of talks at Leopoldville with a view to achieving a peaceful settlement of the Katanga problem in a spirit of national reconciliation and respect for the territorial integrity of the Republic of the Congo within its frontiers of 30 June 1960.

To that end four commissions have been established and have been assigned specific tasks with a view to proposing practical means of achieving the objectives set by the two delegations, namely the unity and integrity of the Republic. The Military, Monetary, Economic and Fiscal, and Transport and Communications Commissions, which will be composed of representatives of the Central Government, the Provisional Government of Katanga and United Nations and International Monetary Fund experts, will start work as soon as the members have been appointed and in any case not later than 10 July, 1962.

The two delegations have agreed to meet again in six weeks' time in order to review the work of the Commissions and to take all necessary steps to apply the agreements reached between the two parties.

With a view to the reintegration of Katanga in the rest of the Republic of the Congo, and out of respect for the unity of the country, the two delegations have accepted the principle of a single monetary authority and the free movement of goods and persons throughout the Republic as delimited by its frontiers of 30 June 1960. The Central Government has also taken note of the decision of the Province of Katanga to participate in the expenditures of the Republic from now on, pending the adoption of an appropriate fiscal system under the new Constitution.

With regard to the future constitutional system of the Republic, the Prime Minister has stated his readiness to submit to the Legislative Chambers, within a period of three months, a draft federal Constitution which will take account of the various

regional identities and will enable each Province to manifest its personality by administering its own affairs. The Constitutional Commission of the Central Government will work towards these objectives.

Lastly, the Central Government, in the context of reconciliation of the whole Congolese people, will decree a general political amnesty for Katanga.

The two delegations are determined to preserve the spirit of understanding and brotherhood in which their work has been done. In this way they hope to be able to devote themselves, in restored peace and unity, to rebuilding the country for the well-being of the peoples.

ANNEX 96

Draft of final joint communique presented by Katanga delegation

1. The Prime Minister of the Republic of the Congo and the President of Katanga have met at Leopoldville from 24 May 1962 to 25 June 1962 and have held a series of talks with a view to reconciling the different points of view and making fresh efforts to achieve a broad national reconciliation.

2. They held 41 meetings, during which they decided to establish four Commissions - Military, Monetary, Economic and Fiscal, and Transport and Communications - which will be able to call on the United Nations for technical assistance. These Commissions will be purely advisory in character. Their instructions are to study and propose measures for adoption. Nothing in their terms of reference can under any circumstances be interpreted or implemented in a manner inconsistent with that advisory character.

3. The proposals made by each of the Commissions under their respective terms of reference will be submitted to the Central Government and the Government of Katanga in a consolidated report.

4. In each case the Central Government and the Government of Katanga will make known their position within three months after receiving the Commission's report. In the event of disagreement, a meeting between the delegations of the Central Government and the Government of Katanga respectively will be convened rapidly in order to agree on a solution. In no case may any measures of application be taken without the consent of both Governments.

5. The date of implementation of the measures decided upon by the Central Government and the Government of Katanga on the proposal of each Commission will be fixed by agreement and will be synchronized with the implementation of any other measures decided upon on the proposal of each of the other Commissions.

6. In order to safeguard the social, economic, and political stability of Katanga and thus to create a propitious climate for the proper functioning of the Commissions and for the accomplishment of their work, the Central Government and the Government of Katanga recognize that the Commissions to be established in conformity with this final communique will not enter upon their duties until the following conditions have been met:

(a) Proclamation of the lifting of the state of war in Katanga between the United Nations troops, the ANC and the Katangan gendarmerie;

(b) Maintenance of the unity of Katanga within its frontiers as fixed on 30 June 1960;

(c) Preservation of the institutional and administrative structures of Katanga and abolition of the Commissionerships Extraordinary in Katanga;

(d) Maintenance in office of serving members of the security forces, judiciary and administration of Katanga;

(e) Freedom for Katanga to recruit the technicians needed for the smooth functioning of its administrative services;

(f) Cessation of hostile acts and interference in the internal affairs of Katanga;

(g) A decree of general amnesty must be promulgated by the Chief of State.

7. The Katangan Constitution of 5 August 1960 will remain in force until the adoption, and the acceptance by Katanga, of the new Federal Constitution under which the member states are assured a genuine autonomy.

8. The two delegations have agreed to meet again in order to review the work of the various Commissions and to take all necessary steps to give effect to the proposals agreed upon between the two delegations.

ANNEX 97

Draft of final joint communique presented by Mr. Gardiner

1. The Prime Minister of the Republic of the Congo and the President of Katanga have held a series of talks at Leopoldville with a view to reconciling the different points of view and making fresh efforts to achieve a broad national reconciliation.

2. Four Commissions - Military, Monetary, Economic and Fiscal, and Transport and Communications - whose terms of reference are annexed hereto, are hereby established and are entrusted, under their terms of reference with specific tasks. These Commissions will be composed of representatives of the Central Government and of the Government of Katanga, together with United Nations and International Monetary Fund experts. The members of these Commissions will be appointed not later than fifteen days after the delegation of Katanga arrives at Elisabethville. These Commissions will submit to the Central Government and to the Government of Katanga proposals which must be approved before they are put into effect.

3. The two delegations have agreed to meet again within a period of in order to take all necessary steps to implement the proposals agreed upon between the

two Governments and in order to remove all obstacles to action in accordance with the terms of reference of the Commissions.

4. The two delegations have agreed that a decree of general amnesty shall be promulgated by the Chief of State in order to give every assurance to the responsible leaders of the Congo who must participate in the task of national reconstruction.

5. The discussions between the Prime Minister of the Republic of the Congo and the President of Katanga, which were also attended by representatives of the United Nations, took place in an atmosphere of understanding that made it possible to reach agreement.

ANNEX 98

Release dated June 25 handed to the press by Mr. Tshombe on June 26, 1962

The second phase of our negotiations with Mr. Adoula has extended over more than a month. I think there is no question that progress has been made toward a peaceful solution, especially through the creation of consultative commissions which will make suggestions to the Central Government and the Government of Katanga, as well as through our offer to contribute to the budget of the Congo Republic during the transitional period, and, finally, through the agreement to place before the legislative bodies a draft federal constitution granting real autonomy to member states.

As the Katanga delegation has repeatedly announced, we have been able to begin drafting certain partial projects which are already important elements toward arriving at a final pact on the law which will control the relations between Katanga and the Congo.

Talks which are so long and which treat such complex problems cannot continue without interruption. The conditions and isolation under which we live here create a fatigue which is hardly conducive to reflection or good work. They make a rest essential.

In addition, we cannot over too long a period lose contact with our land and the functioning of our government.

I have, therefore, called on Mr. Gardiner to carry out the guarantees of freedom of movement given by the United Nations and return us temporarily to Elisabethville. I call on Mr. Adoula to adjourn negotiations.

In view of this, I solemnly declare that only those who wish to destroy Katanga can still think in terms of military operations.

Leopoldville, June 25, 1962
The President of Katanga
M. Tshombe

ANNEX 99

Press conference held by Prime Minister Adoula
on the morning of June 26

Before answering your questions, I would like to make a preliminary declaration to give you a general idea of the problem at hand.

You know that following the agreement of Kitona and the decision of the Provincial Government of Katanga, we engaged in talks with M. Tshombe in order to put an end to the Katangan secession.

These talks, which took place in March, have been interrupted on several occasions, and finally were continued on May 23, 1962. From the beginning of these talks, we agreed on the creation of a certain number of commissions in order to establish practical means for the reintegration of Katanga into the Republic of the Congo.

Since May 23, and up to the day before yesterday, we have established the mandate of these commissions and the principles which must be at the basis of our work.

Since Mr. Tshombe wants to go back to Elisabethville, we have agreed to terminate our work before his return.

On Monday we had to start the final phase of our talks for the drawing up of a common communique to announce things that have been agreed upon.

But a few hours before the opening of the meeting, Mr. Tshombe suddenly asked for a suspension of talks until a date that he would determine himself at Elisabethville, although in his letter, Mr. Tshombe recognized that the agenda had been exhausted and all that remained was the final communique. We immediately answered Mr. Tshombe that it was not at all necessary to suspend the talks since, at present, the actual phase of talks could be ended by announcing the creation of commissions.

At first, Mr. Tshombe refused to sign any communique whatever. After our insistence, he finally agreed to discuss the drawing up of a final communique. A project, submitted by the UN representative, was rejected by Mr. Tshombe without explanation and then Mr. Tshombe presented us with a counter-project. To our surprise, we noticed that Mr. Tshombe wanted us to approve a certain number of preliminaries and conditions, which, if accepted, would condone, not only the independence of Katanga, but also lead to a complete about-face of the situation at hand.

Here, I am going to give a resume of the conditions put by Mr. Tshombe:

- 1) Maintenance of the Constitution of August 5, 1960, which proclaims Katanga's independence.
- 2) An end to what he calls the state of hostility between the troops of the National Congolese Army, of the UN and the Katangan police.
- 3) No interference by the Central Government in the affairs of Katanga, which naturally includes the withdrawal of the National Congolese Army from the North of Katanga and the return of this region to Tshombe.

4) Maintenance of foreign technicians, that is to say, the mercenaries of the Katangan police.

5) Maintenance of Katanga's present structure, that is, an administration and police independent of the Central Government. And, finally, a certain number of other demands of the same kind.

It is needless for me to say that if the Central Government had to capitulate at the time of a military operation, Mr. Tshombe would not have been able to demand more. Up to the last minute, we knew that Mr. Tshombe sought for a rupture in the talks.

Since May 23, that is when the talks started, Mr. Tshombe never stopped interrupting the conversations, and for the most futile of reasons. Sometimes he even created false incidents. The last break in the talks, as you know, was motivated by a false report of attacks supposedly made by the National Congolese Army in the area of Kongolo and Baudoinville. When we made proposals for a commission of inquiry, Mr. Tshombe refused. And, as you know, following a reconnaissance in these regions, it has been proved that Mr. Tshombe's allegations were false and that the break in talks was only provoked in order to avoid coming to any conclusion.

We have proof that Mr. Tshombe was determined to refuse any agreement whatever. Yesterday afternoon, before the meeting, we had a communique which had been broadcasted by Mr. Tshombe. You will notice that the communique is dated the 25th. The last meeting took place on the 26th of June at 6 o'clock in the morning.

For more than a month, Mr. Tshombe tried to find a reason, however futile, in order to leave and put the responsibility of the breaks in talks on the shoulders of the Central Government. But we understood his scheme and avoided everything that he could use as pretext for departure.

Finally, Mr. Tshombe was obliged to come out in the open and say he wanted to interrupt the talks for no reason at all, at a time when there was no point of disagreement and all that remained to be done was to sign a final communique.

From the beginning, we expected this about-face from Mr. Tshombe.

If we agreed to talk, it was our way of proving to the world that we desired peaceful settlements of problems. It was otherwise with Mr. Tshombe.

The UN representatives have seen themselves how useless it is to expect even the smallest good-will from Mr. Tshombe. In fact, how could we hope for any gesture whatever from Mr. Tshombe after the incendiary and belligerent declarations from Munongo and Kimba at Elisabethville, as well as the recent declarations of Tshombe and Kibwe to the press.

We always said that Mr. Tshombe would only discuss problems as a means of stalling for time. Today international opinion will be able to say that we are right and that Mr. Tshombe is not desirous of finding a peaceful solution of the Katanga problem.

ANNEX 100

Letter from Mr. Tshombe to Mr. Adoula, June 27, 1962

My cabinet met this morning under my chairmanship in plenary session.

In accord with the pledge of the Katanga delegation during the discussions on the terms of reference of the economic and fiscal commission to participate immediately in the expenses of the republic, the cabinet has decided to place at once at the disposal of the Leopoldville Government the sum of one hundred million francs (100 million) through the intermediary of the United Nations.

The President of Katanga,
Moise Tshombe

ANNEX 101

Exchange of letters between Mr. Adoula and Mr. Tshombe regarding the participation of the Conakat Party of Mr. Tshombe in a revised Government.

1. Letter from Mr. Adoula to Mr. Tshombe, June 19, 1962

In accordance with Parliament's request and in order to increase the efficiency of the Central Government to cope with serious problems which confront the Republic, I have decided to recast completely my cabinet before July 1, 1962.

The importance and gravity of the decisions to be reached to restore the nation have led me to believe that the success of this task can only be attained by a government of national union and reconciliation.

Therefore, I urge you to nominate three candidates among whom I can choose the representative or representatives of the Conakat Party in the Central Government.

Prime Minister
Cyrille Adoula

2. Letter from Mr. Tshombe to Mr. Adoula, June 20, 1962

I have the honor to acknowledge receipt of your letter 2983/62 of June 19, 1962, and to note your desire for the participation of members of my party in the Central Government.

May I, however, ask for certain details on the number of posts and which ones you are planning to offer us?

The President of Katanga
M. Tshombe

3. Letter from Mr. Adoula to Mr. Tshombe, June 22, 1962

I have the honor to acknowledge receipt of your letter 10/258/VDK of June 20, 1962.

At the present time it is not possible for me to give you the details you requested on the number and specific posts which might be reserved to the Conakat in the future government.

I can, however, assure you at this point that the Conakat would have at least one representative in the future cabinet and that it is probable that he would have an important position in the economic and financial sector.

Founded on national union, the government whose revision is under study would include members of all the political or regional groups represented in the National Assemblies. In view of the number of parties involved, it is probable that the future cabinet could contain a maximum of no more than two representatives of each political group.

In any event, I will furnish you with additional details within, I trust, a very brief period.

Prime Minister
Cyrille Adoula

4. Letter from Mr. Tshombe to Mr. Adoula, June 28, 1962

I have the honor of acknowledging receipt of your letter of June 22, 1962, number 3148/62.

I deeply regret that you cannot furnish at the present time the necessary information I requested in my letter of June 19, 1962. That would perhaps have allowed my government to decide whether the Leopoldville Government intends to shift its political orientation.

In these conditions, it is only when a new federal constitution has been implemented and which guarantees to each region of the Congo real autonomy that the Conakat can participate in a government which will truly be one of national union since it will be concerned with respect for the will of all the Congolese people.

In the present state of affairs and in view of your inability to provide the details requested, I am forced to decline your offer.

The President of Katanga
Moise Tshombe