

*Law or Order:*

The Politics of Development and Humanitarian Intervention in the Congo Crisis,  
1960-61

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## Introduction

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“We shall revise all the old laws and make them into new ones that will be just and noble.”

—Patrice Lumumba, June 30 1960, the day of Congolese Independence

The Congolese Independence ceremony was, like all ceremonies, purposefully symbolic. Held on the last day of June 1960, it evenly spilt the year’s responsibilities between the ascendant Congolese and the departing Belgians. Congolese banners and maroon sashes of the Belgian Crown lined the streets. Dignitaries and diplomats from across the world filled the Congo’s new Parliament. At the front of the hall, seated side-by-side on an equal but raised pedestal, Belgian King Baudouin and the Congo’s new President, Joseph Kasavubu delivered exalting and optimistic speeches. The Belgian King recounted his country’s formation of this burgeoning modern civilization and Kasavubu echoed him—with words prepared by Belgian officials—by graciously thanking the withdrawing colonial power for bringing economic development, legal principles, and the “wisdom not to resist the movement of history.”<sup>1</sup>

Before the ceremony could close, however, famed nationalist and the recently elected Congolese Prime Minister Patrice Lumumba rose from his seat and made an unscheduled speech to the surprise of his nation, its former rulers, and the world. Lumumba passionately denounced the years of “humiliating slavery imposed on [the Congo] by force” and referred to the Congo as the “rallying point for all of Africa” to end colonial oppression and achieve the fundamental liberties guaranteed by the United Nations in its Universal Declaration of Human Rights.<sup>2</sup> As

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1 Thomas R. Kanza, *The Rise and Fall of Patrice Lumumba: Conflict in the Congo* (Cambridge, Mass: Schenkman Pub. Co., 1977), 158; Harry Gilroy, “Lumumba Assails Colonialism as Congo Is Freed: Congo Becomes Sovereign State,” *New York Times*, July 1, 1960.

2 Gilroy, “Lumumba Assails Colonialism as Congo Is Freed.”

Lumumba descended the lectern, the “shocked and pale” face of the Belgian King was as ominous a sign as any that Congolese independence would not go as planned.<sup>3</sup>

But the day’s symbolism contained more than pomp, Lumumba’s unscheduled speech, and the embarrassed King. There were two men in the audience whose presence was equally telling of the Congo’s future. As the Congo passed from colonial rule to freedom, Dag Hammarskjöld—the Secretary-General of the United Nations (UN)—had sent Ralph Bunche and Sture Linner, two high-ranking UN officials, to the Congo to observe and assess how the UN might contribute “technical assistance” to the newly independent state.<sup>4</sup> Bunche was an American academic who continually championed trusteeship: the slow, internationally monitored transfer of power from colonizer to colonized.<sup>5</sup> Linner was a Swedish businessman who would soon become Chief of the UN’s development efforts to transform the Congo’s economy and government.<sup>6</sup> The ideas represented by these two men—development and trusteeship—were the cornerstones of what the UN planned to do in the Congo. As Congolese independence proceeded, however, these ideas (and the men representing them) would be overshadowed by what emerged as the UN’s main task: law and order.

Over the following weeks and months, the events that would be called the “Congo Crisis” unfolded and drew the United Nations into the largest peacekeeping operation of the Cold War. It did not end well. While the Congo’s independence began with democratic elections, a charismatic leader, and the highest hopes of what decolonization could mean, it ended with

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3 Gilroy, “Lumumba Assails Colonialism as Congo Is Freed.”

4 “Technical Assistance” was the contemporary nomenclature for practices that would now be called “development”. Brian Urquhart, *Hammarskjöld*, (New York: Knopf, 1972), 778–9, 398–92.

5 Robert A. Hill and Edmond J. Keller, eds., *Trustee for the Human Community: Ralph J. Bunche, the United Nations, and the Decolonization of Africa* (Athens: Ohio University Press, 2010), 93.

6 Lise A. Namikas, *Battleground Africa: Cold War in the Congo, 1961-1965* (Washington, D.C.: Woodrow Wilson Center Press, 2013), 89.

coups, the assassination of Lumumba, the death of Hammarskjöld, and the rise to power of Mobutu Sese Seko—the dictator who ruled (the renamed Zaire) for 32 years.

The Congo Crisis involved three main components: decolonization, secession, and the Cold War. Within weeks of Congo's independence, anger that Belgians still dominated the country sparked lawlessness, uprisings, and mass strikes. Headlines reported mutinous Congolese soldiers raping and murdering Europeans.<sup>7</sup> Amidst the chaos, the Congo's wealthiest province seceded and Belgium redeployed paratroopers throughout its former colony to protect its citizens and back the independence of Katanga—the mineral rich province and crown jewel of the Belgian Congo. As recourse against this neocolonial invasion, Lumumba appealed first to the United Nations and then to both of the Cold War's superpowers. The US sent a naval fleet to evacuate Europeans hoping to flee the Congo and the Soviet Union pledged whatever "assistance necessary" to rid the Congo of its colonial scourge.<sup>8</sup> Despite these heightened Cold War tensions, neither superpower was eager to confront the other in the heart of Africa.

On July 14 1960, in a rare instance of convergent superpower goals, the Opération des Nations Unies au Congo (ONUC) was created in the UN Security Council. Restoring law and order in the expansive Congo—a country approximately the size of Europe—required a massive undertaking; soon, 20,000 troops and civilian experts were deployed across the country.<sup>9</sup> The ONUC would prove arduous and incredibly expensive for the UN—embroiling it deep within the Cold War and bringing the international organization to the brink of financial ruin.<sup>10</sup> But this was also a time when the UN was defining what its role in the world would be and faced criticism on

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7 *Reuters*, "Belgian Women and Children Flee as Troops Rebel in Congo Capital," *New York Times*, July 8, 1960.

8 Quoted in: S. V. Mazov, *A Distant Front in the Cold War: The USSR in West Africa and the Congo, 1956-1964* (Washington, D.C.: Woodrow Wilson Center Press, 2010), p.90–1; and in Namikas, *Battleground Africa*, 68.

9 Namikas, *Battleground Africa*, 62–5.

10 Namikas, *Battleground Africa*, 159.

several fronts.<sup>11</sup> The Congo Crisis fused the Cold War and decolonization, the two dominant realities of international politics at the time, into one highly volatile situation. How the UN responded to it mattered a great deal—both to the world, and to the UN as an organization.

Decolonization had a profound impact on the UN. The Congo was one of seventeen African nations that gained independence in 1960. This surge of independence in 1960 combined with the momentum of the 1955 Bandung conference, which urged all newly independent nations to join the UN and had already resulted in a powerful coalition of twenty-nine Asian and African states within the UN's General Assembly.<sup>12</sup> By 1960 the membership in the UN had doubled, diffusing power and influence within the international organization from Europe across the globe.<sup>13</sup> The Congo Crisis was a test case—both for Hammarskjöld and the UN—of how he would handle decolonization in Africa.

A central part of the UN's appeal to decolonizing nations was its promises of neutrality, impartiality, and adherence to an apolitical legal ethic. The United Nations Charter and the Universal Declaration of Human Rights (UDHR) were legalistic documents that purported to normalize relations between nations, end the politics of power and privilege that had defined the colonial era, and guarantee the equal rights of mankind. Full and equal membership in the UN, it was hoped, would accompany and symbolize a new order in international affairs.<sup>14</sup> When

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11 For instance, France's President, Charles De Gaulle, did not appreciate the UN's role in the Algerian crisis, and regularly referred to the UN as the "so-called United Nations," and said that the "meetings of the [UN] are no more than riotous and scandalous sessions...filled with invectives and insults." Quoted in David Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World*, (Oxford: Oxford University Press, 2009), 81-2.

12 The Bandung conference was organized by India's Nehru and Indonesia's Sukarno in response to rising Cold War pressures in Asia. It later became recognized as a watershed moment for the nonaligned movement and decolonizing nations. Mark Mazower, *Governing the World* (New York: The Penguin Press, 2012) 259–262.

13 Mazower, *Governing the World*, 263.

14 The United Nations Charter and the UDHR—written at a time when decolonization was more faint dream than imminent reality—contained promises of absolute equality and sovereignty for every nation. The UN's

Lumumba turned to the UN for recourse against the Congo's former colonial rulers it was because the UN claimed to be the guarantor and protector of these ideals and values.

When the UN went into the Congo in 1960, its main goal was managing decolonization. As the crisis unfolded, this meant maintaining "law and order." The preservation or restoration of "law and order" continues to be central to the mandates of UN peacekeeping missions.<sup>15</sup> However, the concept of law and order is more ambiguous than its profuse usage in contemporary UN-parlance might otherwise indicate. The semantic structure of the phrase indicates interdependence and equal standing: legal norms support the creation of a structured society; a regulated polity requires legal norms. While seemingly symbiotic, however, the realization of these two concepts—conjoined here—is not necessarily pursued on an equal basis. While the term 'law' appears throughout the UN Charter, the coupled phrase only appears once: in article 84 in the Chapter on the International Trusteeship System—the UN's attempt to oversee the gradual transfer of power to the decolonizing world.<sup>16</sup> While 'law' is cited as something the UN should uphold and adhere to throughout its work and dealings with member states, "order" only applied to the decolonizing world.

While defining UN missions in terms of law and order is commonplace today, there was no clear blueprint for how Hammarskjöld and his colleagues in ONUC would approach the concept or achieve it in the Congo. In 1960, achieving law and order became bound up with the

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predecessor organization, the League of Nations, had relegated the vast majority of the non-western world to protectorate status. Mazower, *Governing the World*, 165-73.

15 For example, only to name the most recent, the phrase appears in the mandate extensions of the UN's forces in the Central African Republic, Abyei, Afghanistan, Somalia, and Haiti. See: United Nations Resolutions S/RES/2134 (2014), S/RES/2127 (2013), S/RES/2126 (2013), S/RES/2120 (2013), S/RES/2036 (2012), and S/RES/1892 (2009).

16 United Nations, *Charter of the United Nations and Statute of the International Court of Justice* (New York: United Nations Department of Public Information, 1945), article 84, Chapter XII.

UN's preconceived notions of how to approach decolonization: through the implementation and oversight of a technical and expertise-driven development program. But this was no simple task, and certainly one devoid of political implications. Yet, the legalistic and progressive language and concepts that the UN's efforts were shrouded in claimed to be otherwise; they claimed to be apolitical.

In pursuing law and order in the Congo the UN continually committed the most basic of political acts: it chose sides. The history of the UN's quest for development amidst chaos is full of political outcomes; the empowerment of those who took power over others; and the continuation of a colonial logic that valued order over the legal rights that the UN claimed to protect.

#### HISTORIOGRAPHY: TOWARDS A NEW UNDERSTANDING OF THE UN IN THE COLD WAR

Historical scholarship on the United Nations tends to perpetuate the idea that the UN was rendered useless during the Cold War, was simply a forum for Cold War politics, or fundamentally changed with the fall of the Soviet Union.<sup>17</sup> As such, the perspective of the UN in the Congo Crisis—and throughout other aspects of its history as well—is undervalued and overlooked in the literature.

In his book on the history of international organizations, *A World Without Borders*, David Clarke Mackenzie says that during the Cold War “the UN found itself either completely ignored,

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17 Another type of UN history worth mentioning is triumphalist origin stories (in the American context, at least) about how the UN was created. For example, see: Daniel Plesch, *America, Hitler and the UN: How the Allies Won World War II and Forged a Peace* (London: I.B. Tauris, 2011); Townsend Hoopes, *FDR and the Creation of the U.N.* (New Haven: Yale University Press, 1997); Stephen C. Schlesinger, *Act of Creation: The Founding of the United Nations: A Story of Superpowers, Secret Agents, Wartime Allies and Enemies, and Their Quest for a Peaceful World* (Boulder, Colo.: Westview Press, 2003).

shut out from any but minor support role, or frozen into impotency in an East-West stalemate.”<sup>18</sup> Mackenzie largely ignores the impact of UN development agencies, the importance of the UN during the period of the Congo Crisis, and treats the entire history of the Cold War and the United Nations as a singular phenomenon.<sup>19</sup> Similarly, in *The United Nations: A Concise History*, Christopher O’Sullivan argues that the end of the Cold War brought “new challenges” which “would demand innovative responses, particularly in the area of conflict prevention, peace keeping, and nation building.”<sup>20</sup> While the end of the Cold War certainly changed international politics in and around the UN, research into its involvement in the Congo Crisis challenges the notion that there is a clear dichotomy between the pre- and post-Cold War UN.

Attempts to write the organizational history of the UN, or address its role in shaping the post-WWII world through development, tend to rely heavily on the public record or are uncritical of their sources. One effort to tell the history of development at the UN is Amy Staples’ *The Birth of Development: How the World Bank, Food and Agriculture Organization, and World Health Organization Changed the World*.<sup>21</sup> According to Staples, the UN and its specialized agencies “became the vehicle by which many colonial territories began to realize their dreams of independence and prosperity.”<sup>22</sup> While the UN certainly accomplished and improved many things, its history of involvement in decolonization is mixed. Instead of being critical of this

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18 David Clark MacKenzie, *A World beyond Borders: An Introduction to the History of International Organizations* (Toronto: University of Toronto Press, 2010), 57.

19 For example, MacKenzie says “The only significant UN effort [during the Cold War] in collective security came in Korea, thanks to a unique set of circumstances.” However, the UN’s involvement in the Congo was vastly larger than its presence in Korea (which was essentially a US military operation under a UN banner and thus even a questionable example of collective security). MacKenzie, 64.

20 Christopher O’Sullivan, *The United Nations: A Concise History* (Malabar, Florida: Kriegler Publishing Company, 2005), 81.

21 Amy L. Staples, *The Birth of Development: How the World Bank, Food and Agriculture Organization, and World Health Organization Changed the World, 1945-1965* (Kent, Ohio: Kent State University Press, 2006).

22 Staples, *The Birth of Development*, 180-1.

record, however, Staples' account shows little consideration of motives, power structures, or fears beyond those made explicit by the characters in her story.<sup>23</sup> Similarly, the singular in-depth exploration of the ONUC's development program is Arthur H. House's *The UN in the Congo: The Political and Civilian Efforts*.<sup>24</sup> While it provides an extensive look at the various projects undertaken by ONUC, the civilian side of the UN's role in the Congo is treated as if it were apolitical and not connected to its peacekeeping mission or larger goals. House also relies on retrospective reports published by the UN regarding its own work, interviews with practitioners, or transcripts of public meetings held at the UN. The result is a synthesis more than an investigation of the public record.<sup>25</sup>

Critical accounts of development tend not to be organizational histories, but instead approach the topic as intellectual history. Mark Mazower's *Governing the World: The History of an Idea* places the UN and its development schemes in a long line of attempts to organize and control the globe. Mazower explains how fear of "a world less under Western control" fueled UN development programs, which dispatched "an international cadre of apolitical technical experts" across the globe to fill the void left by colonial administrators.<sup>26</sup> As an intellectual history, however, Mazower's account does not offer case studies of what this confluence of Cold War insecurities, post-colonial racial fears, and supposedly apolitical knowledge meant in places like the Congo. Similarly, in "New Histories of the United Nations," Sunil Amrith and Glenda Sluga find the UN's earliest attempts at "technical assistance" (what the world would soon call

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23 Staples, *The Birth of Development*, 183.

24 Arthur H. House, *The U.N. in the Congo: The Political and Civilian Efforts* (Washington: University Press of America, 1978).

25 There are numerous footnotes that simply read "United Nations, ONUC Records, in Kinshasa," or are equally unhelpful. For example, see: House, *The U.N. in the Congo*, 240–241.

26 Mazower, *Governing the World*, 275, 284–5.

development) in Haiti in 1948 to be full of colonial tensions and logic.<sup>27</sup> For instance, the authors point out that the Haitian government saw their request for technical assistance as a postcolonial “assertion of their entitlement” to the UN’s developmental expertise. The UN’s assessment of Haiti, however, perpetuated its colonial image: Haiti was held up as a model “of poverty, underdevelopment, and [as a] pathological failure to “modernize”—an example of the inability of colonized peoples to rule themselves.”<sup>28</sup> Because Amrith and Sluga are more interested in the conceptual place of development in history and how the UN represented Haiti, they do not probe the UN’s actual developmental efforts to see if these colonial notions are perpetuated in its actions as well as its words.

The ONUC provides an excellent opportunity to explore these aspects of the UN’s approach to decolonization more extensively. The UN’s involvement in the Congo Crisis began, similarly to the example of Haiti above, with Patrice Lumumba’s request for technical assistance in order to transform the Congo from a colonial backwater into a post-colonial nation amongst nations.<sup>29</sup> In the Congo, the UN was applying its understanding of development and technical assistance to a country that was both decolonizing and breaking apart; the UN’s efforts to impose law and order while providing development expertise were all central parts of its efforts to address both of these challenges.

Scholarship on the Congo Crisis is primarily concerned with placing it within the dynamics of the Cold War and generally leaves aside questions regarding the UN’s role in

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27 While this article is the most relevant to my project, the entire September 2008 edition of the *Journal of World History* is dedicated to new approaches to UN history, and contains excellent examples of attempts to resituate the international organization within world and international history. Amrith, Sunil, and Glenda Sluga. “New Histories of the United Nations,” *Journal of World History*, 19, no. 3 (2008): 261–265.

28 Amrith and Sluga, “New Histories of the United Nations,” 263–4.

29 Namikas, *Battleground Africa*, 2013, 65.

decolonization and development. As such, the UN is only important in so far as it relates to the superpowers and their conflict. Even the most recent scholarship follows this trend. For instance, while Lise Namikas' *Battleground Africa* is an impressive piece of scholarship, the UN and ONUC are only important parts of her story in terms of outcomes and as they relate to the two super powers.<sup>30</sup> Namikas claims that for the US the Crisis was mitigated by ONUC, saving it from another Vietnam, but that it exacerbated Soviet apprehension about the neutrality of the United Nations.<sup>31</sup> Similarly, Sergey Mazov's *A Distant Front in the Cold War* places the Congo Crisis in the larger context of Soviet policy in Africa, but the UN only plays an important role in terms of its relationship to the superpowers.<sup>32</sup> John Kent's *America, the UN and Decolonization* is primarily concerned with the same questions and academic arguments as Namikas and Mazov are, but approaches the subject solely from US archives.<sup>33</sup> Given the title of his book, decolonization (and the UN, for that matter) should be central to Kent's narrative. However, decolonization only plays a role in terms of the Cold War claims of both super powers to the phenomenon and Kent's archival work limits his insights to US policy makers. How the UN approached the process of decolonization is not explored.

The three foundational studies on the Congo Crisis were written in the midst of the Cold War and at a time when scholars were questioning the rationale behind American intervention into the third world. In *American foreign policy in the Congo, 1960-1964*, Stephen Weissman

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30 Namikas draws on both American and newly opened Russian archives, and displays a heightened awareness of the history of the Belgian Congo and the internal dynamics of Congolese politics—an aspect of this history that is often overlooked by diplomatic scholars.

31 Namikas, *Battleground Africa*, 2013, 230–1.

32 Mazov, *A Distant Front in the Cold War*, 251–8.

33 Kent relies on Congressional and Presidential libraries and argues that the Congo was the center of Kennedy's Cold War, with his administration producing more papers and research on the central African country than on Cuba, Russia, or China. Kent also claims that the Congo is an example of the Soviet chimera, where US policy makers saw and reacted to a much larger threat than actually existed. John Kent, *America, the UN and Decolonization: Cold War Conflict in the Congo* (London: Routledge, 2010), 189.

explores how American interests influenced its policy in the Congo and finds that the Crisis represented “a fairly typical example of American power” operating in the third world.<sup>34</sup>

Madeline Kalb’s *The Congo Cables*, based largely on the findings of the Church Committee’s 1975 investigation into the US’s role in the Congo Crisis, reflects a similar interest in American motivations for intervening in the Congo.<sup>35</sup> Richard Mahoney’s *JFK: Ordeal in Africa* is based on the Kennedy Library’s archive, and other smaller collections of US policy makers’ papers.<sup>36</sup> While these scholars’ work forms the basis of the historiography on the Congo Crisis, it is exclusively concerned with American Cold War foreign policy.<sup>37</sup> Furthermore, their overlap in source materials, and lack of interest in the UN’s archives or activities greatly limits their research.

While there are also a number of memoirs on the Congo Crisis, these inevitably convey limited perspectives.<sup>38</sup> Indar Jit Rikhye’s *Military Advisor to the Secretary General* is a detailed recollection of his time working under Hammarskjöld in the Congo. However, Rikhye’s main concern is his specialty: military matters. As such, Rikhye’s account has little space for development efforts or their political consequences. Similarly, Rajeshwar Dayal’s *Mission for*

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34 Wiessman was later involved in the work of the Church Committee, but at the time of publication many of the documents he was able to see were still classified. Stephen R. Weissman, *American Foreign Policy in the Congo, 1960-1964* (Ithaca, NY: Cornell University Press, 1974), 300. While recent history when published, and based largely on interviews, his work continues to be widely cited and his conclusions explicitly supported by more recent authors. For example, see: Namikas, *Battleground Africa*, 91.

35 Madeleine G. Kalb, *The Congo Cables* (New York: Macmillan, 1982).

36 Richard D. Mahoney, *JFK: Ordeal in Africa* (New York: Oxford University Press, 1983).

37 All three authors (all writing from the US perspective) have similar conclusions: the combination of balancing colonial NATO allies’ interests, US relations with independence seeking African states, and the very real threat of a Soviet sphere of influence in the Congo that shaped American policy in the Congo throughout.

38 Rajeshwar Dayal, *Mission for Hammarskjöld: The Congo Crisis* (Princeton, N.J.: Princeton University Press, 1976); Indar Jit Rikhye, *Military Adviser to the Secretary-General: UN Peacekeeping and the Congo Crisis* (London: Hurst, 1993); Kwame Nkrumah, *Challenge of the Congo*. (New York: International Publishers, 1967); Kanza, *The Rise and Fall of Patrice Lumumba*; Lawrence Devlin, *Chief of Station, Congo: Fighting the Cold War in a Hot Zone* (New York: PublicAffairs, 2007).

*Hammar skjöld* details his time as the Secretary General's Special Representative to the Congo in charge of the ONUC. While obviously self-interested, his memoir is not revisionist.<sup>39</sup> That being said, Dayal's writing displays an unending faith that the work of Hammar skjöld and the UN was driven solely by ideals, while the rest of the world was stuck in petty politics.<sup>40</sup> While Dayal does acknowledge the UN's missteps in certain instances, the UN's intentions remain unimpeachable.<sup>41</sup> Lawrence Devlin's *Chief of Station, Congo: A Memoir of 1960-67*, is an engaging account of the US's covert effort to remove Lumumba from power and back Mobutu. While straightforward for a CIA station chief's memoir, Devlin is a true Cold Warrior and saw little more than the Cold War operating in the Congo.

For the UN, however, the Congo Crisis was more than just a Cold War confrontation; it was the international organization's first intervention into a dynamic conflict. Amidst this deepening civil war, the UN attempted to balance its vision of being an agent of development, an impartial arbiter of peace and justice, and achieve its goal of shepherding countries through decolonization. As such, the history of the ONUC is one of experimentation and creation; of a time when the UN was actively defining the legal bounds of its own actions, and what it meant to create law and order out of chaos. What this process looked like and how it proceeded, however, are unasked and unanswered questions in the literature.

In an attempt to answer these questions, this project presents research from the UN's ONUC archive. While there is a great deal of scholarship on the Congo Crisis, the UN's archive

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39 Although poorly documented in terms of citations, Dayal regularly quotes accurately and at length from his own correspondences with Dag Hammar skjöld, examples of which can be found in the ONUC archive. The ONUC archive affirms that the concerns, hopes, and frustrations he expressed when writing a decade later are consistent with what he wrote while working in the Congo.

40 Dayal, *Mission for Hammar skjöld*, 241.

41 Dayal, *Mission for Hammar skjöld*, 311.

has not been utilized in a systematic manner. As a result, the perspective and aims of UN and ONUC servicemen is not adequately represented within the current scholarship on the Crisis. By utilizing this previously untapped archival source, this project contributes to our understanding of the UN's role in the Crisis and reveals how its decisions fundamentally altered the Congo's political landscape and established norms of governance that only served to empower the powerful.

This thesis will concentrate on the earliest portion of the ONUC, covering its inception to its transformation on February 21, 1961. The Security Council Resolution of that day fundamentally changed the nature of the UN's mission and ended its hopes of peacefully ushering the Congo through decolonization. Lumumba's assassination had been announced to the world a week earlier, the UN's efforts at political reconciliation had floundered miserably, and the country was about to descend into a civil war that would last for years. The February 21 resolution vastly expanded ONUC's military mandate and essentially turned it into a participant in the civil war.

By juxtaposing previously classified internal ONUC documents and cables with minutes of confidential United Nations Advisory Committee meetings on the Congo (UNACC), this thesis will explore how the ONUC perceived its role in the Congo, and how its ideas of technical assistance and creating law and order had adverse effects beyond their intentions. Hammarskjöld regularly engaged with a room dominated by representatives of the decolonized world in the UNACC. In these confidential meetings he was forced to explain, defend, and rationalize ONUC policies. These conversations and internal ONUC documents are revealing. They show how the UN's self-conceived mission to oversee decolonization in the Congo shaped its policies; how the

UN struggled to define, and redefine, what achieving law and order in the Congo would actually mean; and how the importance it placed on development, humanitarian intervention, and law and order required expedient relationships and the abrogation of its loftier principles and ideals.

## Chapter 1: The UN's Approach to the Congo

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The UN's involvement in the Congo Crisis exemplifies how projected goals interact with actual circumstances to influence outcomes. The UN went to the Congo hoping to transform it with developmental expertise and show the world the role it could play in decolonization. As post-independence events spiraled towards chaos, however, and the UN's purpose in the Congo was challenged, Hammarskjöld had to find new ways to legitimate the UN's presence and address emerging challenges, while still trying to accomplish his initial goal of developing the Congo. As the Crisis unfolded, the archival record shows how the UN's own principles of neutrality, impartiality, and apolitical legal ethic both constrained and enabled the UN's actions.

### HAMMARSKJÖLD AND AFRICA

As a young man, Dag Hammarskjöld studied under John Maynard Keynes—the celebrated economist who first developed an economic theory that advocated for government intervention to achieve full employment.<sup>42</sup> Hammarskjöld took this economic outlook and applied it to the decolonizing world. He argued that the UN's “most important role lay in the economic development of the new and less developed countries, which was crucial...to the ultimate success of the decolonization process.”<sup>43</sup> In a speech to the Economic and Social Council in July 1955, Hammarskjöld said that improving the economies of the developing world “defines the major task of the UN.”<sup>44</sup> Africa was particularly central to Hammarskjöld's vision

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42 William J. Barber, *A History of Economic Thought* (Middletown: Wesleyan University Press, 2009), 226; Urquhart, *Hammarskjöld*, 368.

43 Urquhart, *Hammarskjöld*, 371.

44 Quoted in: Urquhart, *Hammarskjöld*, 373.

for the UN. The Secretary-General often lamented the UN's lack of focus on the continent and actively set out to change that fact.<sup>45</sup>

As decolonization gained momentum, Hammarskjöld spent six weeks in early 1960 touring sub-Saharan Africa. He visited with nationalist leaders, colonial administrators, cabinets, and prime ministers. During this trip, Hammarskjöld took “every possible opportunity to emphasize the difference between UN experts and colonial officials.”<sup>46</sup> Hammarskjöld envisioned great things for Africa. Central to that vision, however, was UN guidance and assistance. Decolonization and development were inextricably linked in Hammarskjöld's mind. As a repository of development knowledge and expertise, and the symbol of a new and more benevolent internationalism—unblemished by a colonial past—the UN was uniquely positioned to usher Africa into independence.<sup>47</sup> During his celebrated trip across Africa, Hammarskjöld visited Leopoldville—the Congo's Capital—and was struck by the lack of preparation for independence undertaken by the Belgians. He anticipated a challenging transition and thus arranged for UN officials to survey the country in May 1960 and prepare for the UN's post-independence involvement.<sup>48</sup>

#### DEVELOPMENT POTENTIAL

Before the official start of independence and the unfolding of the crisis, the UN outlined the opportunities and challenges that it saw in developing the Congo. Beginning with the political situation, the UN's pre-independence assessment of the Congo stated: “the only unity in the vast multi-tribal state has been that maintained by the Belgian Administration.” While true

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45 Joseph P. Lash, *Dag Hammarskjöld, Custodian of the Brushfire Peace* (Garden City: Greenwood Press, 1961) 223–4.

46 Urquhart, *Hammarskjöld*, 381.

47 Urquhart, *Hammarskjöld*, 382–3.

48 Urquhart, *Hammarskjöld*, 389.

that the large nation was politically fractured and the Belgians had been the only unifying force the country had ever seen, this conclusion should not have been surprising: decades of colonial rule had not officially concluded. Yet, the report posed this lack of unity as a Congolese failure. What is most telling is the total lack of reference to *any* Congolese political figure. The UN also highlighted the precarious political situation and widespread secessionist desires that plagued Congolese politics. The authors specifically noted how the economic advantages of Katanga and southern Congo drove their desire for independence. As is true throughout the rest of the report, Katanga's mineral wealth and the hydroelectric potential of the lower Congo are of great interest to the authors.<sup>49</sup>

The rest of the report described the Congo as being ripe for development. With a large population (13.5 million Congolese and another 100,000 Europeans), a meager adult employment rate of 35% amongst the African population, and large tracts of unused arable lands, the prospects for agricultural improvement were deemed to be promising. While the report notes how local agricultural techniques were effective and appropriate for the climate and soil, pages later it proposes a ramping up of production with the introduction of European techniques, fertilizer, and mechanization.<sup>50</sup> The report also details the "tremendous" potential for hydroelectric power in the lower Congo river basin and how "vast mineral deposits [were] still

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49 "Bureau of Technical Assistance Operations: Belgian Congo, Draft" June 1960, in Reports, Miscellaneous file, box 162, Africa-General, Sub-Series V.5.2: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 1.

50 "Bureau of Technical Assistance Operations: Belgian Congo, Draft" June 1960, 8, 18-20.

untapped.”<sup>51</sup> While written before the Crisis even began, the UN’s assessment of the Congo would have lasting effects on its approach.<sup>52</sup>

BEFORE INDEPENDENCE = AFTER INDEPENDENCE

The crisis that engulfed the Congo within weeks of its independence revolved around three elements: decolonization, secession, and the Cold War. The crisis of decolonization in the Congo related to the level of Congolese preparedness to truly be independent, and what Belgium’s continued role in the vast country should and could be. Despite independence, Belgians still dominated the economy and commanded the Armée Nationale Congolaise (ANC)—no Congolese men had been promoted to officer.<sup>53</sup> As Lumumba's Independence Day speech demonstrated, freedom did not absolve the Belgians of their sins against the Congolese, and a great deal of resentment remained.<sup>54</sup> On July 5, less than a week after independence, these frustrations boiled over.

A Belgian general sparked a mutiny within the ANC that spiraled across the country. To emphasize the continuity of his command, despite independence, he scribbled “before independence = after independence” on a blackboard at an ANC military base.<sup>55</sup> Throughout July 1960, the world's newspapers were filled with images of European women and children crammed into trains and riverboats, pouring out of chartered airplanes, and telling stories of

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51 “Bureau of Technical Assistance Operations: Belgian Congo, Draft” June 1960, 9, 22-3.

52 Documents show that the ONUC diverted its troops to protect hydroelectric engineers in later July, when the Crisis was still new: “Report on the Petroleum situation and INGA,” July 22 1960, in Public Works 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0739-0009-06, United Nations Archive, 1.

53 Namikas, *Battleground Africa*, 2013, p.64.

54 Gilroy, “Lumumba Assails Colonialism as Congo Is Freed.”

55 Namikas, *Battleground Africa*, 62-5.

murder and rape.<sup>56</sup> The exodus turned cities across the Congo into ghost towns.<sup>57</sup> As Europeans fled, the country's industry was depicted as sliding into ruin, fueling fears that "hunger and unemployment" would lead to looting and riots.<sup>58</sup> On July 9 Belgium redeployed army personnel across the Congo to restore order and protect Belgian citizens and industry still in the country. The next day, July 10, Patrice Lumumba wrote Hammarskjöld in protest of Belgium's reentry into the Congo and requested that the UN send a technical assistance mission to the Congo to train its troops and oversee the removal of the Belgian forces.<sup>59</sup> From the outset, Belgium's neocolonial presence and reentry—which would oscillate for years—was central to the crisis.

Secession, the second element of the crisis, developed immediately as well. On July 11, Moïse Tshombe declared the independence of Katanga—the mineral rich province that had been the crown jewel of the Belgian Congo. His claim to power and independence was quickly backed by Belgium, which sent more paratroopers to reinforce Tshombe and protect their lucrative mining operations. Katanga was the economic heart of the Congo and its secession threw the central government's finances into disrepair. At a deeper level, it also cast doubt on the idea that the geographically vast Congo could survive as a united polity, inspiring other provinces to make their own attempts at secession. Belgium's backing of Katanga also prompted Lumumba to make stronger demands of the UN. Lumumba released a statement warning that if the UN was unable or unwilling to assist the Congolese in removing the Belgians he would "be obliged to appeal to

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56 Reuters, "Report New Attacks by Rebels in Congo," *Chicago Daily Tribune*, July 11, 1960; Joseph Sterne, "Missionary Tells Of Attacks On U.S. Women In Congo," July 15, 1960; Associated Press, "Horror, Flight From Congo Told by Belgian Housewife: Belgian Refugee Tells Of Attack on Wife," *The Washington Post*, July 10, 1960.

57 Reuters, "Belgian Women and Children Flee as Troops Rebel in Congo Capital," *New York Times*, July 8, 1960.

58 Henry Tanners, "Economic Crisis Stirs Congo Fears," *New York Times*, July 26, 1960; *Reuters*.

59 Namikas, *Battleground Africa*, 62-5.

the Bandung treaty powers."<sup>60</sup> Lumumba's western interlocutors saw this as a threat to involve communist China.<sup>61</sup> As the crisis deepened, however, the Cold War aspects would only intensify.

Throughout these events, Moscow and Washington were attempting to shape what the independent Congolese State would look like. Belgium's support of the Katanga secession gave the Soviets a prime opportunity to champion decolonization and the liberty of oppressed people on the international stage. On July 13, Belgium extended its control beyond Katanga and took temporary control of Leopoldville's airport. Incensed, Lumumba released another statement: if the West refused to halt its imperialist aggression he would be compelled "to ask for the intervention of the Soviet Union."<sup>62</sup>

Khrushchev quickly responded by denouncing the Belgian reentry into the Congo, labeled Tshombe a "protégé of foreign monopolies," Katanga's secession an "unlawful and felonious act" orchestrated by "colonial powers," and promised the Congolese people that if the UN did not "take immediate steps to end the aggression and restore sovereign rights" the USSR would provide "the assistance necessary...for the victory of your rightful cause."<sup>63</sup> While the lengths to which Khrushchev was willing to uphold these promises has been debated, it was clear that he did not want a direct confrontation with the West.<sup>64</sup> The US had positioned a naval fleet with marines (ostensibly for the purpose of supporting the evacuation of European civilians) near

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60 Mazov, *A Distant Front in the Cold War*, 92.

61 Namikas, *Battleground Africa*, 68.

62 Quoted in: Namikas, *Battleground Africa*, 68.

63 Quoted in: Mazov, *A Distant Front in the Cold War*, 90–1; and in Namikas, *Battleground Africa*, 68.

64 Mazov argues that the USSR's interests were rather limited; meant to trip up NATO, and gain favor with Afro-Asian countries, not create a real foothold in central Africa. See: Mazov, *A Distant Front in the Cold War*, 90–3.

the Congo, and Khrushchev knew that any aggressive moves on his part could inflame the situation.<sup>65</sup>

The Congo also presented the US with a set of conflicting goals and problems: though it was important to support its NATO ally, Belgium, both in public and against possible Soviet aggression, the US did not want to antagonize the Soviet Union directly, or be left to sort out another post-colonial mess similar what transpired with Vietnam in 1954.<sup>66</sup> This was the period following the infamous U-2 incident, when US policy makers were formulating opinions about Khrushchev and found him to be highly unpredictable—they were glad to have the UN deal with the situation.<sup>67</sup>

Over the course of the following month, Lumumba's relationship with Hammarskjöld and the West would deteriorate significantly. Lumumba's threat to involve the USSR, which he essentially repeated four days later, marked him—in the words of Allen Dulles, the Director of the CIA—as a "Castro or worse." In late July Lumumba made a trip to the US, visiting the UN in New York and the American officials in DC, neither visit garnered Lumumba much support.<sup>68</sup> Despite the fact that the UN Security Council had adopted three resolutions concerning the Congo (on July 14, July 22, and August 9), all of which called for the withdrawal of Belgian troops, little in the Congo had changed.<sup>69</sup> Furthermore, many in the Afro-Asian bloc of the General Assembly interpreted the ONUC's mandate as calling on it to actively end the Katanga secession and criticized Hammarskjöld for not using its troops in this manner.<sup>70</sup>

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65 Namikas, *Battleground Africa*, 70.

66 Namikas, *Battleground Africa*, 70–1.

67 Kalb, *The Congo Cables*, 16.

68 Namikas, *Battleground Africa*, 82.

69 Kent, *America, the UN and Decolonization*, 28–9.

70 Mazov, *A Distant Front in the Cold War*, 104–7.

Hammar-skjöld responded to criticism that he was not using the ONUC to end the secession by drawing an important distinction regarding the UN's principle of non-interference, one of the UN's central tenets. Enshrined in Article II of the UN Charter, the principle of non-interference stipulates that the UN cannot—ostensibly—interfere in domestic or internal disputes.<sup>71</sup> At an August 8 meeting of the Security Council, Hammar-skjöld explained that he viewed the Katanga secession as an internal constitutional dispute over the power of the central government (and thus out of the UN's jurisdiction), but saw the removal of Belgian troops as an international issue.<sup>72</sup> The resolution adopted the following day reflected this thinking: it stated that the ONUC will not in “any way intervene in or influence the outcome of any internal conflict, constitutional or otherwise.”<sup>73</sup> This distinction between what was domestic and what was international, between what was interference and was not—while significant for later events—did little to satisfy Lumumba's ire.

Lumumba's disappointment in the UN and Hammar-skjöld only grew with each passing resolution, Belgium's continued presence within the Congo, and the ONUC's apparent inaction. Making matters worse, Hammar-skjöld went to Katanga on August 12 and met with Tshombe in an attempt to break the political impasse. The meeting resulted in little more than an exchange of diplomatic pleasantries, but its consequences were significant. Lumumba was outraged that the UN Secretary-General would meet directly with the leader of Katanga's secession and wrote an

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71 This is the reason the UN discusses security concerns in terms of their threat to *international* peace and security. See: United Nations, *Charter of the United*, Article 2, Chapter I.

72 Tshombe had always framed the secession in terms of the validity of the Congolese constitution, claiming that it was both provisional and that Lumumba was not upholding it. See: Catherine Hoskyns, *The Congo Since Independence: January 1960-December 1961* (London: Oxford University Press, 1965), 148; Namikas, *Battleground Africa*, 84.

73 Operative Clause 4 in: Security Council Resolution, S/4426, 9 August 1960, Congo 1960-1965; Adlai Stevenson Papers: Subseries 5D, U.S. Ambassador to the United Nations; Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library.

open letter to Hammarskjöld in which he threatened to expel the ONUC if Hammarskjöld didn't more fully interpret the Security Council resolution's language of "taking all necessary steps" to end Katanga's secession. Hammarskjöld chose not to reply to this, Lumumba's third, ultimatum. In response to this diplomatic cold-shoulder Lumumba said that the Congolese people "have lost all faith in the Secretary-General," broke relations with Hammarskjöld, and called for the withdrawal of all non-African ONUC forces.<sup>74</sup>

Faced with a serious challenge to the ONUC's legitimacy, Hammarskjöld began considering his options. On August 15, Hammarskjöld wrote a "Personal and Confidential" note about Lumumba's request to remove non-African ONUC troops. While he obviously found the idea unacceptable, his reasoning is telling. At the core of his logic was instituting development and maintaining law and order: not only were non-African development experts essential because there was "no African substitute for them," but if any ONUC forces were withdrawn the maintenance of "law and order on which the whole United Nations civilian effort rests would be gone."<sup>75</sup> Development and law and order—law and order for development's sake—was central to Hammarskjöld's rationale for why the UN could not consider removing its non-African troops.

During this time Hammarskjöld also solicited a legal brief from UN lawyers regarding Lumumba's request for the withdrawal of ONUC troops. The central question revolved around whether, if it came to that, Lumumba could actually command the UN to remove some of its troops. The UN's lawyers acknowledged that typically national sovereignty required that non-national forces could "only remain in the territory...with the consent of the government...which

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74 Quoted in: Namikas, *Battleground Africa*, 87-8.

75 "Personal and Confidential notes of the Secretary-General on the question of Non-African contingents," August 15 1960, in Miscellaneous files, box 161, Legal Opinions, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 1-2.

may, at any time, legally call for their withdrawal." It goes on, however, to add that because the UN Security Council decided that the situation in the Congo involved "a threat to international peace and security...no Government (including the territorial government) can, by unilateral action, arbitrarily determine that the threat is over." According to the UN's lawyers, until the "threat" had been resolved and law and order restored in the eyes of the UN, the wishes of the Congolese people or the assessment of their elected officials mattered little. While this legal abrogation of sovereignty is surprising, the power it vested in Hammarskjöld is perhaps more astonishing. The legal advisors also said that the determination of whether "the threat is over or what measures taken by the council should be discontinued...rests, in the first place, with the Secretary-General."<sup>76</sup> While this brief never became public, it reveals Hammarskjöld's legalistic approach to challenges and his adeptness at using legal rationale to achieve his ends.

Hammarskjöld also sought legitimacy for the ONUC in places outside of the Congo and besides its elected officials. In a US National Security Council meeting on August 18, undersecretary of State Douglas Dillon conveyed what he said was Hammarskjöld's view:

"the only way that the Congo can be kept going is for the UN to run it as a UN trusteeship, although it would not be called that. The only reason that Katanga continues to operate is that Belgian civilians there are still running the government."<sup>77</sup>

Three days later, at the August 21 Security Council meeting that the Secretary-General called, Hammarskjöld triumphantly announced that he had secured a deal with the Belgian government for their withdrawal from Katanga, and that he was creating a civilian operation within the

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76 "Interoffice Memorandum: Principles relevant to the withdrawal of the United Nations Force From the Republic of the Congo," August 30 1960, in Miscellaneous files, box 161, Legal Opinions, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 1, 4.

77 Memorandum of Discussion at the 456th Meeting of the National Security Council, August 18, 1960, document 180, Foreign Relations of the United States (FRUS), Vol. XIV, 423.

ONUC to advise the Congolese government on matters of development and technical assistance. Hammarskjöld expressed confidence that the situation in the Congo would soon be resolved, allowing the UN to focus on building a balanced political, economic, and social life for the Congolese people. Lastly, he announced the creation of the United Nations Advisory Committee on the Congo (UNACC). The advisory committee was made up of countries contributing troops to the ONUC—most of which were from the Afro-Asian bloc—and would provide a forum for them to advise him on the UN's approach to the situation. By reaching an agreement with Belgium (over a withdrawal that never materialized), establishing a dedicated development mission, and creating a forum where recently decolonized nations could share their grievances with the UN, Hammarskjöld had re-established the legitimacy of the ONUC's mission, given its new found purpose, and created the illusion that he was receptive to the concerns of the Afro-Asian bloc.

When Hammarskjöld and his UN colleagues entered pre-independence Congo, their main concern was development and the prestige of the UN. As events unfolded, however, law and order began to take primacy in Hammarskjöld's mind. He was also intent on protecting the UN's reputation and relationship with the Afro-Asian nations; impartiality and legal legitimacy were important in this regard. At this point, however, Hammarskjöld was still only posturing. As the ONUC became more involved in the situation in the Congo, these ideas and principles—of development, law and order, and impartiality—would interact and begin to change the Congo's political makeup.

TRIBALISM AND LAWLESS ORDER

Hammarskjöld and his staff used the first meeting of the UNACC to define and present the challenges it faced in the Congo. Dag Hammarskjöld, his military advisor General Indhar Jit Rikhye, and Heinz Wieschhoff—an anthropologist and Hammarskjöld’s Africa expert—gave presentations.<sup>78</sup> General Rikhye had recently returned from a 12,000-mile tour of the Congo and gave his assessment of the situation in each province to the members of the Committee. He ended by stating that his main impression was that "there was no civil administration in existence anywhere." When the United Arab Republic (UAR) representative, Mr. Loutfi, expressed surprise at this, Rikhye replied, "That is right...it just does not exist."<sup>79</sup>

The follow-up questions asked by the representatives highlighted the importance of this narrative within the UN. The Canadian representative, Mr. Ritchie, asked "If there are no Congolese authorities, who actually preserves, or does anybody attempt to preserve, ordinary law and order?" Hammarskjöld answered by recapitulating Rikhye’s assessment, but expressed wonderment at the phenomenon: "There are no police courts, no courts functioning and no regular police functioning. It is a miracle that a society keeps going." The problem was not anarchy that resulted from a lack of legality; it was simply the absence of legality that was troubling. And when the Secretary-General asked Rikhye if he had anything more to add, the General was similarly confused by how this was possible. "[T]here is very little crime...[t]he Congolese, basically, are not inclined that way." But this explanation did not stand for long as

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78 Namikas, *Battleground Africa*, 2013, p.81; "Meeting No.1, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters" August 24 1960 at 5pm, in Advisory Comm. no. 1-8, Aug-Oct 1960 Vol. 1, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-01, United Nations Archive.

79 "Meeting No.1, United Nations Advisory Committee on the Congo," August 24 1960 at 5pm, 27, 32, 36.

the General quickly added: "really, the fact which generally has contributed to peace and order is the presence of United Nations."<sup>80</sup> Rikhye's intent was clear: the UN was fulfilling its mission.

The Ethiopian representative was unsatisfied by these explanations, however, and asked a more probing question: "Are there indications that community life as exists in many other parts of Africa has also broken down completely, or are we referring to some sort of well organized civil administration in the sense that it is understood in the Western world?" The question seems geared to show that this should not be a surprise: plenty of communities live peacefully without Western civil administration. But Hammarskjöld missed the point, or was dismissive of it: "There is nothing at all that can be called a regular municipal administration in the European sense, but, as through a miracle the community life functions all the same."<sup>81</sup> Despite the Ethiopian representative's assertion, the fact that community life could function without a European municipal administration is presented as inexplicable and untenable—something to be remedied instead of relied upon.

Interspersed amidst this conversation of how society was order were comments and worries over the Congo's tribal nature. Hammarskjöld framed this conversation at the outset by stating that "the ethnic and tribal situation in the Congo which faces the United Nations" is a "peculiar problem which we have never had to tackle before."<sup>82</sup> For the UN the most troubling feature of tribalism was the ethnic conflict tribalism engendered. For instance, Hammarskjöld's Africa expert, Heinz Wieschhoff explained that the Belgians had moved the Baluba tribe into the Kasai region as laborers and gave them privileged status during Belgian rule. This created

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80 "Meeting No.1, United Nations Advisory Committee on the Congo," August 24 1960 at 5pm, 41-43.

81 "Meeting No.1, United Nations Advisory Committee on the Congo," August 24 1960 at 5pm, 46-47.

82 "Meeting No.1, United Nations Advisory Committee on the Congo," August 24 1960 at 5pm, 13-5.

tensions with the local Lulua, who “retained rights to their territory under traditional land tenure” and regarded “the Baluba as foreign elements who are interfering with their own traditional life.” His closing remarks on the issue were ominous: “This conflict might very well develop into a more complicated affair where political and tribal problems were mixing in such a way that they would be exceedingly difficult to disentangle.”<sup>83</sup> Within days this warning proved prescient.

#### MASSACRE IN BAKWANGA

Earlier in August, Hammarskjöld had explained his decision not to direct the ONUC to end Katanga’s secession by claiming that such an action would have been a violation of the UN’s principle of noninterference. The secession, he said, was a domestic affair, not an international one.<sup>84</sup> As the UN became more involved in the situation in the Congo, however, this distinction—between what was domestic versus international, what legitimated intervention and what did not, and what was and was not politics—became decidedly less clear. Specifically, the concerns outlined in the first UNACC meeting—tribalism and lawlessness—converged with secession and the UN’s goal of maintaining law and order to create a situation which required the abrogation of the UN’s non-intervention principle.

The small province of Kasai seceded under its Baluba leader, Albert Kalonji, on August 9 1960 and quickly aligned itself with Katanga.<sup>85</sup> Secession had always been a constituent part of the Congo Crisis and the Kasai secession only exacerbated the situation further. Kasai bordered Katanga and shared in its mineral wealth. For Lumumba, Kasai’s secession was not only another blow to national unity and fortune, but because of its position it acted as a further buffer for

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83 “Meeting No.1, United Nations Advisory Committee on the Congo,” August 24 1960 at 5pm, 59-60.

84 Namikas, *Battleground Africa*, 84.

85 Mazov, *A Distant Front in the Cold War*, 109.

Katanga against the central government's forces. Kasai's secession heightened the crisis and led Lumumba to take action: he wrote Khrushchev on August 15 and asked him to send transport planes, trucks, and high quality armaments in order "to assure the territorial integrity of the Republic of the Congo." On August 24, the same day as the first UNACC meeting, Lumumba's troops began their first Soviet backed offensive and recaptured Bakwanga, the capital of Kasai.<sup>86</sup> These developments made US policy makers nervous, and on August 27 they alerted the Secretary General of the "urgency of [the] problem."<sup>87</sup> The attention given to Kasai and Baluba tribalism in the UNACC meeting of the same day must be read in the context of its (albeit unmentioned in the meeting) secession. As events in Kasai unfolded, the province and the Baluba would continue to hold the attention of the UNACC.

At the September 2 meeting of the UNACC, an instance that would become referred to as the Bakwanga Massacre was relayed to the representatives. Highlighting the military imbalance which favored the heavily armed ANC, Wieschhoff described an incident that came at the end of days of "serious fighting" between the ANC and the Baluba. Wieschhoff also made clear that these ANC units were operating on their own and not taking orders from their commanding officers. After this brief introduction, Wieschhoff revealed the information of greatest interest: approximately 130 people were killed in the fighting; there had been an unspecified number of political executions; and on the afternoon of August 31, ANC soldiers put down their guns and used machetes to massacre "seventy men, women, and children who sought refuge in mission schools." Terming the incident a "massacre" was the strongest language

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86 Quoted in: Mazov, *A Distant Front in the Cold War*, 110.

87 Telegram From the Department of State to the mission at the United Nations, August 27, 1960, FRUS, Vol. XIV, 447.

Wieschhoff would use. When Hammarskjöld took the floor, however, he made use of more legalistic language.<sup>88</sup>

Hammarskjöld rejected the idea that these events could be considered part of a civil war, and instead described them as “coming very close” to “genocide.” Hammarskjöld told the UNACC that these events raised questions about the role of the UN and ONUC’s presence in the Congo. “Simply imagine where the United Nations would stand as an organization if...it were to stand as a silent and passive witness to acts which go directly against principles upheld by the Organization itself, quite apart from the fact that they would be gross infringements of law and order.” Hammarskjöld presented the question of how the UN should respond to such acts as driving straight at the core of the UN’s purpose and value to the world. He believed the UN had to fulfill its responsibilities to protect, while ensuring that it did not interfere. In these extreme cases, as a principled protector of law and order, Hammarskjöld said that the UN must make sure that its principle of non-intervention is not “interpreted in too legalistic a way.” The Secretary-General’s solution to this problem, however, was itself legalistic: he stipulated that in the case of “massacres” or “tribal warfare” the principle of non-intervention would no longer apply. The “[l]egal basis for action is simple obligation to maintain law and order.”<sup>89</sup> Hammarskjöld presented the placement of law and order atop the hierarchy of UN principles as an obvious and moral choice. But this prioritization was not without consequences.

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88 “Meeting No.4, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters” September 2 1960 at 5pm, in Advisory Comm. no. 1-8, Aug-Oct 1960 Vol. 1, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-01, United Nations Archive, 29-30.

89 “Meeting No.4, United Nations Advisory Committee on the Congo,” September 2 1960 at 5pm, 33.

Anticipating the tensions that would play themselves out in the Congo due to the type of thinking laid out above, the representative from Guinea, Mr. Caba, responded to Hammarskjöld's proposal with serious concerns and questions. Caba pointed out that the UN had previously refused to use its forces to assist the central government in ending the secessions of Kasai and Katanga because of a principled stand not to interfere in domestic politics. This refusal had now led to civil war and crimes against humanity. Furthermore, the UN was now stipulating that it would want to "impose itself between [the Central Government] and the secessionists, that is a stand which actively favors secession."<sup>90</sup>

In response Hammarskjöld attempted to draw a distinction between the ANC and the troops that committed the massacre: only in the case of "a disorganized band attacking private persons" or "where units have broken out from their command" would the UN intercede. "We will not interpose ourselves between the ANC and the [Baluba]."<sup>91</sup> This distinction speaks directly to Hammarskjöld's and the UN's view of the bounds of politics. Interfering against an organized national army would have been interference into domestic politics; a disorganized band of armed men, however—even if they wore the uniform of the national army, as they did in this case—was not political, was somehow automatically tribal, and thus could and must be stopped.

The distinction revolved around lawlessness. Using the Bakwanga massacre as his case study, Hammarskjöld defined "massacres" and "tribal warfare" as legitimizing circumstances for intervention: two paragons of lawlessness. The UN had already defined the Congo as extremely

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90 "Meeting No.4, United Nations Advisory Committee on the Congo," September 2 1960 at 5pm, 52.

91 "Meeting No.4, United Nations Advisory Committee on the Congo," September 2 1960 at 5pm, 53

tribal and lacking law and order. This logic established conceptual space for intervention that extended throughout the country.

#### CONSTITUTIONAL CRISIS

Congolese politics changed dramatically a few days after the UNACC met to discuss the Bakwanga massacre. On September 5 1960, Kasavubu announced that he was dismissing Lumumba as Prime Minister—a move that set off a chain reaction throughout the country’s political system and came as a surprise to most observers.<sup>92</sup> At the time of Lumumba’s dismissal, Andrew Cordier, an American UN employee since the organization’s founding and Hammarskjold’s longtime assistant, was serving as the interim Special Representative of the Secretary General to the Congo.<sup>93</sup> Despite his recent arrival in the Congo, however, Cordier was one of the few people who was not surprised by Kasavubu’s announcement. The Congolese President had alerted Cordier of his plan to dismiss Lumumba two days earlier, on September 3, in attempt to secure the UN’s support. While Cordier reported refusing Kasavubu’s various requests (which included closing parliament and arresting Lumumba and 25 other political opponents) his actions have been criticized nonetheless.<sup>94</sup>

Cordier took extraordinary measures to ensure that Lumumba and his supporters (suspected to include Soviet agents and military personnel) were unable to respond to this sudden upheaval within Congolese national politics.<sup>95</sup> After Kasavubu’s announcement, Cordier ordered UN personnel to close radio stations and airports that would have assisted Lumumba in both his

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92 In his memoir, Thomas Kanza—the Congo’s representative to the UN—says that Kasavubu’s decision “fell like a bomb among Congolese and other Africans.” Kanza, *The Rise and Fall of Patrice Lumumba*, 286; Namikas, *Battleground Africa*, 97–8.

93 Carole J. L. Collins, “The Cold War Comes to Africa: Cordier and the 1960 Congo Crisis,” *Journal of International Affairs* 47, no. 1 (1993): 246.

94 Collins, “The Cold War Comes to Africa,” 259–60.

95 Collins, “The Cold War Comes to Africa,” 246; Urquhart, *Hammarskjold*, 440.

political and military responses.<sup>96</sup> At the time, the US perceived Kasavubu as a potential bulwark against Lumumba's growing Soviet ties. Because of these Cold War concerns the Congolese and the world saw Cordier's actions as direct interference.<sup>97</sup> The Constitutional Crisis that followed is often cited as the beginning of Lumumba's demise. Though the level of UN complicity in these events has been highly scrutinized, the role that the Bakwanga massacres had on their decision-making has not been analyzed.

Hammar skjöld's accusation of genocide against ANC forces is typically dated to the Security Council meeting of September 9—several days after Lumumba was dismissed—when he made them publicly for the first time. Using this inaccurate date, some scholars view the accusations as politically motivated and intended to delegitimize Lumumba after his dismissal.<sup>98</sup> As we have seen Hammar skjöld had already made the accusations of genocide a week earlier. While this does not relieve the accusation of its political consequences, it does significantly alter the narrative.

On September 2, after discussing Bakwanga with the UNACC, Hammar skjöld relayed to Cordier the same logic for action that he had presented to the UNACC: UN troops should disregard the policy of noninterference in the case of massacre, incipient genocide, and tribal warfare.<sup>99</sup> While the UN did have advanced knowledge of Kasavubu's plan, it was only on

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96 Collins, "The Cold War Comes to Africa," 259–60.

97 Namikas, *Battleground Africa*, 101.

98 For example, Namikas calls the accusations "uncharacteristically unfair" and questions the evidence they are based on, without, however, explaining why or providing any alternative evidence of her own: Namikas, *Battleground Africa*, 103–4; and in her dissertation she notes that Tshombe was the first to make the accusations on September 8<sup>th</sup>: Lise A. Namikas, "Battleground Africa: The Cold War and the Congo Crisis, 1960--1965" (Ph.D., University of Southern California, 2002), 197–8. In both cases Namikas clearly sees the accusations as politically motivated and *intended* to delegitimize Lumumba after his dismissal and justify the UN's actions in the Constitutional Crisis.

99 Urquhart, *Hammar skjöld*, 438.

September 3 that Kasavubu told Cordier what he was planning.<sup>100</sup> There was no way that Hammarskjöld could have known what was about to happen when he launched the accusations of genocide. After Lumumba's dismissal, Hammarskjöld subsequently told Cordier that if he faced the "complete disintegration of authority that would...entitle [Cordier] to greater freedom of action in the protection of law and order."<sup>101</sup> This later command is what most scholars focus on when they analyze Cordier and the UN's interference into the Constitutional Crisis.<sup>102</sup> But when Hammarskjöld granted Cordier this "freedom of action" the logic of intervention had already been established in the context of the Bakwanga massacres.

Cordier's reflections on the steps he took during the constitutional crisis reveals consistency in this logic. In private correspondences that Cordier wrote in December of the same year, he rationalized his closure of the airport and radio station as being part of a humanitarian effort to stop escalating violence in Bakwanga and allow UN troops to reinforce their positions in the region.<sup>103</sup> In another letter Cordier justified his actions as necessary "to maintain law and order."<sup>104</sup> Using chaos and lawlessness—in a situation that has been defined as such—for the rational for intervention was a fundamental and little appreciated aspect of the UN's intervention into the Congo's Constitutional Crisis.<sup>105</sup>

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100 Urquhart, *Hammarskjöld*, 440.

101 Urquhart, *Hammarskjöld*, 441.

102 For example, see: Georges Abi-Saab, *The United Nations Operation in the Congo, 1960-1964* (Oxford University Press Oxford, 1978), 61–9.

103 "Letter to William Stoneman," December 10 1960, in Oct-Dec 1960 file, box 55, Correspondences, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University.

104 "Letter to John D. Bright," December 6 1960, in Oct-Dec 1960 file, box 55, Correspondences, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University.

105 For example, Carol Collins' highly critical article, "The Cold War Comes to Africa," focuses on the Constitutional Crisis, but makes no mention of the Bakwanga massacre or its place in this history: Collins, "The Cold War Comes to Africa," 260-3 Similarly, while Weissman notes the "overwhelming" "evidence of UN

Another instance often cited to demonstrate the political intent of Hammarskjöld's intervention into the Constitutional Crisis is a statement he made to US officials. On September 7—two days after Kasavubu's announcement, and two days before Hammarskjöld made the accusation of genocide public—Hammarskjöld spoke with State Department personnel about Kasavubu's coup and commented that he was attempting to “get rid of Lumumba” with “extra constitutional” “gamesmanship—how to win without actually cheating”—in order to avoid compromising the UN's position. Hammarskjöld also expressed concerns that, particularly in the case that Lumumba managed to remain in power, he would “have to be able to justify his actions” to the General Assembly and Security Council.<sup>106</sup> While potentially damning, this statement must be contextualized by the Bakwanga massacres and the primacy of law and order for Hammarskjöld.

The Bakwanga massacre greatly influenced Hammarskjöld's opinion of Lumumba. The massacre would not have occurred without Lumumba's attempt to militarily reintegrate the secessionist provinces, something Hammarskjöld was attempting to accomplish through negotiations and peaceful means. In his biography of Hammarskjöld, former UN employee and historian Brian Urquhart notes that the “massacres deeply shocked [Hammarskjöld] and led him to think that Lumumba had become totally irresponsible.”<sup>107</sup> The accusation of genocide was not simply a politically motivated justification for allowing Kasavubu's coup. Bakwanga influenced Hammarskjöld's opinion of Lumumba and pushed him to take a more active stance when it came

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complicity in the Kasavubu coup,” The Bakwanga massacre is not included in his narrative: Weissman, *American Foreign Policy in the Congo, 1960-1964*, 90. Both authors are more interested in US policy and the Cold War than the UN, and thus exemplify how the Cold War narrative can distort this history.

106 Telegram From the Mission at the United Nations to the Department of State, September 7, 1960, FRUS, Vol. XIV, 465-6.

107 Urquhart, *Hammarskjöld*, 435.

to maintaining law and order. If anything, allowing Kasavubu's coup was convenient for the UN: it weakened Lumumba (who Hammarskjöld blamed for the massacre) and provided even further incentive for the UN to intervene to maintain law and order. This is telling of Hammarskjöld and the UN's general approach: order superseded concern or respect for Congolese politics.

### Chapter 3: Law, Order, and Development

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While law and order came to take precedence for the ONUC, its development goals were still central to the organization. In attempting to balance these two goals, however, they became increasingly bound together—often deployed as mutually supporting rationales for achieving the other. This pairing affected the UN's decision-making processes. The political turmoil that followed the Constitutional Crisis combined with this limited set of goals and began to change who the UN's Congolese interlocutors could and would be. Throughout this period, the UN was also further defining the basis for legitimate intervention, while simultaneously attempting to maintain its impartiality and neutrality.

#### DEVELOPMENT AND NONINTERFERENCE

The Constitutional Crisis created a political divide in the Congo that would only deepen. On the September 12 1960, Kasavubu ordered Lumumba's arrest, but the soldiers who detained him refused to hold their prime minister. From the outset it was unclear whether Kasavubu even had the legal right to dismiss Lumumba as prime minister or to have him arrested. In an attempt to clarify the standing of their Prime Minister, the Parliament convened the following day and granted Lumumba "special powers" to oppose Kasavubu's decision to dismiss him.<sup>108</sup> Given time, Parliament's decision to back Lumumba might have paid dividends. Before Lumumba could exercise these special powers, however, Joseph Mobutu—the ANC Chief of Staff—staged a coup. Mobutu would eventually rise to power and bring the entire Congo under his dictatorial rule in 1965. However, this was his first coup—and it would be many more years before he transformed the Congo into Zaire.

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<sup>108</sup> Mazov, *A Distant Front in the Cold War*, 115.

On September 14 1960, Mobutu—claiming he was above politics—announced that he was neutralizing Lumumba and Kasavubu, both houses of parliament, expelling the Soviets, and establishing the Collège des Commissaires: a board of technical experts charged with administering the country until a clear constitutional order could be established. Lumumba was subsequently arrested by the ANC, but UN troops intervened, escorted him back to his house, and subsequently set up a perimeter as protection. In response Mobutu established a cordon around Lumumba’s UN guards to ensure that he could not leave—effectively placing the dismissed prime minister under house arrest.<sup>109</sup> The Soviets, with little protest or fanfare, slowly left the country, thus defusing—for the time being—much of the escalating Cold War tensions.<sup>110</sup>

In the end, however, Mobutu’s coup did little to clear up the constitutional crisis or establish a widely recognized authority in the country. No one, including the UN, accepted Mobutu’s Commissaires as the legitimate authorities in the Congo. Even Mobutu claimed this was meant to be an interim arrangement. But with Kasavubu still recognized in some quarters as the head of state, Lumumba under house arrest, and an illegal body of administrators assuming de facto control of the country, the question of whom the UN could or should deal with was not clear.<sup>111</sup>

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109 Namikas, *Battleground Africa*, 105-7.

110 Mazov, *A Distant Front in the Cold War*, 116–9.

111 Wieschhoff’s brief on October 1 relayed a similar assessment, identifying “three different groups claiming to be either legal, or the de facto government.” Hammarskjöld also denied that either Mobutu or his Commissaires were a legitimate authority in this meeting. See: “Meeting No.5, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters” October 1 1960 at 4pm, in Advisory Comm. no. 1-8, Aug-Oct 1960 Vol. 1, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-01, United Nations Archive, 26.

This was one of Rajeshwar Dayal's first and most fundamental challenges. Dayal was an Oxford educated Indian diplomat who had worked with Hammarskjöld during the UN's previous mission to Lebanon.<sup>112</sup> He took over for Cordier as Hammarskjöld's representative in the Congo on September 8, immediately after the Constitutional Crisis.<sup>113</sup> As such, he witnessed the breakdown of Congolese politics and had to decide how to confront this evolving landscape.

Development was central to Dayal's approach to the Congo. At the November 5 meeting of the UNACC, Dayal characterized the UN's mission as "basically a technical assistance mission. We are there to assist the Congolese authorities in the maintenance of law and order" to help "strengthen their independence, to give life and substance to it."<sup>114</sup> This typifies Dayal's vision of the UN's role in the Congo. In his cables to Hammarskjöld it often appears as if he viewed development as the UN's primary responsibility and saw the 20,000 combat troops and massive logistical support as only useful in so far as it served this endeavor. In a later cable, he suggests that the ONUC, in an effort to mitigate growing hostilities towards it, might "dig in at some intermediate position, by drastic reduction of the military component while continuing with the technical and financial aid."<sup>115</sup> Dayal obviously emphasized the UN's development work. However, the impediments to implementation that he and his ONUC colleagues confronted, and the manner in which they chose to address those challenges, are telling of the purpose development served for the UN, and how it affected Congolese politics.

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112 Namikas, *Battleground Africa*, 95.

113 Kalb, *The Congo Cables*, 83.

114 "Meeting No.9, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters" November 5 1960 at 10am, in Advisory Comm. no. 9-15, November 1960 Vol. 2, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-02, United Nations Archive, 6-10.

115 "Dayal, Leopoldville to Secgen, New York, Outgoing Code, no. B1618-1619-1620," December 6 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-04, United Nations Archive.

#### EMPLOYMENT AND ORDER

Despite arriving with high hopes for what UN technical expertise could accomplish in the Congo, early UN development efforts were stymied by a lack of funding and the ever-increasing lawlessness of the country.<sup>116</sup> In order to face this challenge, Sture Linner, the UN's chief development officer, decided to address a specific problem: unemployment. As Europeans fled the early chaos that followed independence, many of the mercantile and industrial jobs across the country—especially in larger cities like Leopoldville—disappeared, and UN officials voiced concerns that rampant unemployment could lead to chaos.<sup>117</sup> Creating jobs, and thus busying and feeding the Congolese, became the main project of the ONUC Technical Assistance Bureau in the first months of the operation. The majority of the earliest communiqués between separate ONUC offices within the Congo speak almost exclusively of agricultural or construction “projects for the relief of unemployed.”<sup>118</sup>

In attempting to address unemployment UN officials inextricably linked development to their central mandate of maintaining law and order. In a cable to Dayal and Linner, Bunche wrote that “public works programme to relieve unemployment... can be fully justified on basis of emergency that must be relieved”<sup>119</sup> By mid-September violence across the Congo—but

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116 House, *The U.N. in the Congo*, 84.

117 Henry Tanners, “Economic Crisis Stirs Congo Fears,” *New York Times*, July 26, 1960.

118 For example see: “Initiation of Construction Projects for Relief of Unemployed, From RA Wheeler, to Dr. Linner,” August 24 1960, in Public Works 1960 file, in series Technical Assistance matters 1956-1967, United Nations Operation in the Congo fonds, S-0739-0009-06, United Nations Archive; and: “ONUC HQ In 301714z, Serial Number 74,” August 1960, in Public Works 1960 file, in series Technical Assistance matters 1956-1967, United Nations Operation in the Congo fonds, S-0739-0009-06, United Nations Archive.

119 “From Bunche, Macfarquahar, New York to Dayal, Linner, no. B-1179,” October 3 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-03, United Nations Archive.

especially along the Kasai-Katanga border—began to increase.<sup>120</sup> The violence was alternately related to tribal tensions, undisciplined ANC forces that would loot towns, or a combination of the two.<sup>121</sup> A later internal Civilian Operations memo to Linner expressed concerns that the program was falling behind because of delays and funding gaps, and would not achieve its goal of relieving unemployment and “mak[ing] order out of chaos.”<sup>122</sup> Linner himself drafted a lengthy memo justifying the program based on his “fear that more and more of the unemployed will join the bands that are committing acts of banditry, crime and terrorism.”<sup>123</sup>

Law and order was not simply the rationale used to justify the ONUC's unemployment programs. It actually shaped their design and implementation. Linner explicitly stated that projects have been selected and designed based on their ability to be executed immediately and on what “would do the most good, for the money, in relieving the unemployment situation.”<sup>124</sup> Unemployment was identified early on as a security risk and the ONUC's highest development official designed his operations on that basis. Despite an array of other humanitarian concerns, such as food availability, even the ONUC's development program was made to serve the maintenance of law and order.<sup>125</sup>

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120 The Baluba tribe had become increasingly linked to the secessionist tensions along the Kasai-Katanga border. A.M. Rosenthal, “Town In Katanga Reported Aflame: 15 Are Slain in Manona as Tribesmen Revolt,” *New York Times*, September 15, 1960; Hoskyns, *The Congo Since Independence*, 217.

121 Paul Hoffman, “Fighting Intense in Katanga Bush,” *The New York Times*, October 19, 1960; Hoskyns, *The Congo Since Independence*, 218–9.

122 “Public Works Programme in 5 Provinces, 6.3M” October 10 1960, in Public Works 1960 file, in series Technical Assistance matters 1956-1967, United Nations Operation in the Congo fonds, S-0739-0009-06, United Nations Archive.

123 “Public Works Programme” October 17 1960, in Public Works 1960 file, in series Technical Assistance matters 1956-1967, United Nations Operation in the Congo fonds, S-0739-0009-06, United Nations Archive, p.1.

124 “Public Works Programme” October 17 1960, 5.

125 House, *The U.N. in the Congo*, p.76.

#### THE USE OF FORCE

Frustrated by the set backs, obstacles, and lack of progress in the sphere of development, Dayal began advocating for a stronger ONUC mandate to restore law and order. Dayal drafted an operational directive in mid-October entitled “Security and the Maintenance of Law and Order” in an effort to improve upon the moderate successes achieved in intervening into fighting in southern Kasai and northern Katanga.<sup>126</sup> Based on the idea that the “show of force generally prevents its actual use,” Dayal’s proposal aimed to “emphasize to the UN troops their active role and remove any feeling that they are merely passive onlookers.” Dayal was confronting “complaints of UN troops playing a static or passive role in certain situations,” and wanted to both counter these criticisms and ensure that the ONUC had a greater impact.<sup>127</sup>

Dayal’s proposal, which was later accepted by Hammarskjöld, was meant to replace the ONUC’s original and much more limiting policy directives concerning the use of force.<sup>128</sup> The initial policy directives stated “firing, even in self-defense, should be resorted to only in extreme instances” and “on no account, are weapons to be used unless in cases of great and sudden emergency.”<sup>129</sup> Furthermore, earlier directives on dealing with tribal conflict required a four-step process of reaching out to local authorities to address the situation and stipulated that “arms are

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126 The cable is dated October 17, but the memo itself is dated October 15, but is crossed out. “From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264,” October 17 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-04, United Nations Archive, p.2; Hoskyns, *The Congo Since Independence: January 1960-Deceber 1961*, p.218–9.

127 “From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264,” October 17 1960, 1.

128 Dayal thanks Hammarskjöld for accepting his draft proposal in this cable: From Dayal, Leopoldville, to Secgen, New York, Outgoing Code, no. B-1314,” October 27 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-04, United Nations Archive.

129 “Directive on Protection of Internal Security, Confidential,” August 2 1960, in Miscellaneous files, box 161, Legal Opinions, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 1; “ONUC Operations Directive no.1,” August 16 1960, in Miscellaneous files, box 161, Legal Opinions, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 1.

only to be fired in self defense, when all other measures have failed.”<sup>130</sup> The ONUC’s original approach to conflict in the Congo was purposefully reserved. These early directives were designed to prevent charges of interference into local affairs and prevent injury to both UN troops and the local population. This was the UN’s first time inserting itself into a dynamic conflict and the ONUC risked both alienating troop-contributing countries if their nationals were killed, and raising charges of neo-imperialism if the UN was seen as using excessive force in navigating the realities of the Congo. However, Dayal and many observers found this stance to be too timid and ultimately ineffectual.

Violence between Baluba tribesman and the various militaries of the Congo was becoming increasingly deadly. Clashes between the ANC and the Baluba, or between the Baluba and Tshombe's Katanganese troops, marred September and October. The Baluba lived throughout northern Katanga and across its border. They were thus both caught between ANC and Katanga fighting for a period, and came to actively oppose Katanga's independence because they were concerned it would bring back Belgian domination. Tshombe and his Belgian advisors in Katanga also came to view the Baluba as a serious threat to their security and the success of their secession.<sup>131</sup> The violence that ensued became a major part of the international coverage of the Crisis.<sup>132</sup> Newspaper articles even began to criticize the UN for standing idly by "while tribesman looted and burned or while policeman machine gunned mobs."<sup>133</sup>

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130 "ONUC Policy Directive with regard to Intertribal Conflict," August 16 1960, in Miscellaneous files, box 161, Legal Opinions, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 1-2.

131 Hoskyns, *The Congo Since Independence*, 218.

132 A.M. Roesenthal, "Town in Katanga Reported Aflame: 15 are Slain in Manona as Tribesman revolt," *New York Times*, September 15, 1960; Paul Hoffman, "Fighting Intense In Katanga Bush: Reports to U.N. List 22 Dead," *New York Times*, October 19, 1960.

133 A.M. Roesenthal, "U.N. Force Struggles To Hold Congo Together," *New York Times*, October 2, 1960.

In response to this criticism, Dayal's draft proposal took a more interventionist stance. By enumerating where and how force could be used, Dayal expanded the terms for the ONUC's use of force and called on ONUC troops to actively insert themselves in the middle of combat in order to bring it to a halt. The use of force was still a last resort, but under Dayal's proposal it would have been a more nuanced and necessary eventuality. For instance, Dayal included a detailed set of principles for firing weapons in self-defense, which included aiming low and at leaders in the case of group attacks.<sup>134</sup> While these elaborations did not upend the original principles, by enumerating the acceptable instances for using force and prescribing how force could and should be used, Dayal was increasing the likelihood that force would be used. Instead of simply stating that the use of force was an absolute last resort, as the older directives did, Dayal defined the circumstances in which it would be acceptable.

Dayal also redefined the definition of self-defense in significant ways. As was true in the original directives, the use of force was permissible in the case of self-defense. However, Dayal expanded the definition of 'self-defense' to include (among others) situations where attempts were made to compel ONUC troops "to withdraw from a position," "infiltrate and envelop" an ONUC position, or prevent ONUC troops "from carrying out their responsibilities."<sup>135</sup> Alone this does not seem significant, but when viewed in conjunction with Dayal's other policy changes its consequences become apparent.

In a separate section entitled "Protection Against Marauders or Armed Bands," Dayal also stipulated that UN commanders in the field could request that areas threatened by violence

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134 "From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264," October 17 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-04, United Nations Archive, 3.

135 "From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264," October 17 1960, 2-3.

could be “declared to be under UN protection” and subsequently be patrolled by UN troops. If armed groups continued to infiltrate those areas, “thus jeopardizing the safety of UN troops, they will defend themselves and their position.”<sup>136</sup> This coupling of the ability to declare areas “under UN protection” with the expansion of the definition of self-defense created a mechanism through which UN troops could more actively intervene into conflict situations in the Congo.

Through this policy directive, Dayal also attempted to reorient the ONUC’s relationship to the ANC. Since his arrival in the Congo, and Mobutu’s coup, Dayal had viewed the ANC as a consistent threat to law and order, and even publically called referred to the Congo’s army as “disorderly rabble.”<sup>137</sup> Because of the ANC’s official nature as the army of the central government, however, it was a complicated question whether the UN could intervene against the troops of the country that it was ostensibly serving. In his new policy proposal, Dayal explicitly addressed the problem: “The obligation of the UN Force to assist in the maintenance of law and order is in no way diminished where it happens that elements of Congolese forces may themselves be engaged in general lawlessness.” Dayal continued by stating that wherever Congolese soldiers or police “constitute a danger to public order and safety,” if negotiations “fail, every effort should be made to disarm or neutralize them and to confine them to barracks.”<sup>138</sup> This expansion of the ONUC’s ability to use force and intercede into the situation in the Congo is an important example of the abrogation, or at least complication, of the noninterference

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136 “From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264,” October 17 1960, 3-4.

137 For instance, Dayal said “The ANC is certainly a great problem for us. It is of no use whatever and is a source of constant danger everywhere,” in: “From Dayal to Secgen, Outgoing Code, no. B-1189,” October 6 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-05, United Nations Archive, 2; UPI, “Envoy of U. N. Calls Congo's Army Rabble,” *The Chicago Daily Tribune*, October 21, 1960.

138 “From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264,” October 17 1960, 5.

principle. In the name of law and order, Dayal was essentially asserting the right of the UN to supersede the Congolese army.

Hammarskjöld's additions to Dayal's draft reflected the UN's conception of its relationship to the local Congolese authorities. Hammarskjöld's main contribution to the new directive came in the "Responsibilities of the Congolese Authorities" section.<sup>139</sup> Dayal, in his draft, had used language from the Security Council resolution of August 9 which stated that the ONUC will not in "any way intervene in or influence the outcome of any internal conflict, constitutional or otherwise."<sup>140</sup> To this, Hammarskjöld added that this did "not preclude the UN from humanitarian measures to prevent bloodshed, such as serving as a buffer in inter-tribal conflict, lending its good offices to local disputants and arranging cease fires."<sup>141</sup> Here again, intervention into internal conflict is defined in such a way as to preclude certain situations. Intervention to preserve the constitutional order was defined, discussed, and rejected as political interference. But tribalism, tribal conflict, and wanton violence had their political character and ramifications removed. Humanitarian intervention as an apolitical act thus became codified into the ONUC's operational directives.

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139 "From Secgen, to Dayal, Von Horn, Incoming Code Cable, no. 2923, 2924, 2925," October 26 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-03, United Nations Archive, 2.

140 Operative Clause 4 in: Security Council Resolution, S/4426, August 9 1960, Congo 1960-1965; Adlai Stevenson Papers: Subseries 5D, U.S. Ambassador to the United Nations; Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library; "From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264," October 17 1960, 1.

141 "From Secgen, to Dayal, Von Horn, Incoming Code Cable, no. 2923, 2924, 2925," October 26 1960, 2.

PROTECTING DEVELOPMENT

The situation along the Kasai-Katanga border had remained highly unstable ever since the Bakwanga Massacres.<sup>142</sup> In September, the UN set-up a ceasefire zone along the provincial border in response.<sup>143</sup> However, violence between Baluba tribesman, the ANC, and the Katanga's army continued to escalate with reprisal attacks on towns, kidnappings, and hijackings of trains and trucks throughout southern Kasai and northern Katanga.<sup>144</sup> The situation continued, largely unabated, into November. The UN's established neutral zone provided refuge for those who could make it there, but covered an area that was both hard to patrol—and consequently porous—and limited enough that significant fighting continued to take place “just outside the neutral zone.”<sup>145</sup>

In early November, however, there was a push—both from local Congolese Authorities and UN military personnel—to establish more UN controlled neutral zones along the Kasai-Katanga border.<sup>146</sup> While Dayal, who was in New York at the time, was initially skeptical that Tshombe would be agreeable.<sup>147</sup> The view from UN headquarters began to change, however,

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142 Hoskyns, *The Congo Since Independence*, 217–9.

143 “Meeting No.5, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters” October 1 1960 at 4pm, in Advisory Comm. no. 1-8, Aug-Oct 1960 Vol. 1, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-01, United Nations Archive, 16.

144 “From Dayal, Leopoldville to Secgen, New York, Outgoing Code, no. B-1206-07,” October 8 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-05, United Nations Archive.

145 “From Rikhye, to Secretary-Geeral, Outgoing Code, no. B-1365-1366” November 5 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-02, United Nations Archive, 1-3.

146 “From Rikhye, to Secgen, Outgoing Code, no. B-1375-76” November 7 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-02, United Nations Archive, p.1-3.

147 “From Dayal, to Rikhye, Incoming Code, 3236” November 8 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-06, United Nations Archive.

when a patrol of UN troops was ambushed and ten men killed.<sup>148</sup> Hammarskjöld responded positively, stating that the ambush “reveals disturbed law and order situation outside UN Neutralized Zone,” and agreed to efforts at expansion.<sup>149</sup> While the resulting proposal was eventually discontinued, how it was designed and the rationale for its cancellation are worth considering.

The proposed expansion of the neutral zone used major roads—which would be “considered as falling within the protected sector and not as its outermost limit”—as markers for its boundaries and covered over 200 square miles of land.<sup>150</sup> The proposed neutral zone encompassed a large stretch of economically vital railroads that had been subject to hijackings, as well as various “mining, industrial or commercial installations and other significant points in the economy of the province.”<sup>151</sup> While the proposal was being considered internal cables indicate that there was an increased effort to provide “additional protection to the railways” and “coal mines.”<sup>152</sup> The proposal is notable for its focus on economic nodes amidst the increasing violence and humanitarian concerns, demonstrating a hierarchy of considerations when it comes to where law and order should be achieved. Not only did it cover important mines and industrial

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148 “From Rikhye, to Secgen, Outgoing Code, no. B-1386-86” November 9 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-02, United Nations Archive, 1-3.

149 “From Secgen, to Rikhye, Incoming Code, no. 3306” November 9 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-06, United Nations Archive.

150 “Secret, From Rikhye and Von Horn, Leopoldville, To Michel And Veillet-Lavallee, Luluabourg, Secgen, New York, Outgoing Code, no. LU-51, B-1456,” November 17 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive; Size approximated from map in: Hoskyns, *The Congo Since Independence*, p.518.

151 “Secret, From Rikhye and Von Horn, Leopoldville, To Michel And Veillet-Lavallee, Luluabourg, Secgen, New York, Outgoing Code, no. LU-51, B-1456,” 2.

152 “From Rikhye, to Secgen, Outgoing Code, no. B-1472-73-74” November 19 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 4.

zones, but included major roads and an important railway that connected Katanga—and its vast mineral wealth—to the Congo’s major ports. Economic revival, a central component of the UN’s development and technical assistance goals in the Congo, largely dictated where this neutral zone was planned to be implemented.

The plan, however, did not make it to December. Lumumba escaped his unofficial house arrest on November 27 and disappeared, creating panic amongst his supporters and opponents as everyone tried to anticipate what his (and their) next move would be.<sup>153</sup> In consideration of these events Dayal decided against the neutral zone. Specifically, it became apparent that the zone would have required appointing an ONUC representative in Kasai, a move which would have been construed by the local secessionist leaders there “as implying recognition of their claims to autonomous status.”<sup>154</sup> When Dayal rejected the idea he said: “recent political developments make it inadvisable at present to proceed with our plans,” obviously referring to Lumumba’s escape. He also cited the concerns over recognition and said: “the stabilization of the area would be automatically misconstrued...as a flagrant breach of neutrality.”<sup>155</sup> At this delicate juncture, Dayal did not want to appear as if he was backing the secessionists by establishing a neutral zone that would have recognized them or given them protection.

The termination of the neutral zone highlights the UN’s inability to escape politics in the Congo. These ceasefire zones required partnerships with Congolese leaders. In rejecting the proposal Dayal acknowledged the inherent advantages that would have been conferred if the

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153 Namikas, *Battleground Africa*, 118.

154 “From Rikhye, to Secgen, Outgoing Code, no. B-1459” November 18 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 1.

155 “From Dayal, to Secgen, Outgoing Code, no. B-1554, LU-64” November 30 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive.

ONUC chose to protect certain parts of the Congo over others—and deal with certain Congolese leaders over others. The intrinsic selectivity of the ONUC's activities and the benefits that would have accompanied them would have been there regardless of whether Lumumba escaped. The Prime Minister's dramatic flight and the heightened tensions that accompanied it simply made the ONUC's involvement politically unwise. This was one of the fundamental challenges the ONUC faced: the tension between impartiality and recognition.

## Chapter 4: The Politics of Recognition

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Whether pursuing development or attempting to maintain law and order, the UN required Congolese counterparts to achieve its goals. Because of both the Constitutional Crisis and the various secessions, however, the Congo lacked a clear or centralized authority with whom the UN could deal. This meant that the UN often had little, if any, choice as to who it could engage with to achieve its goals. Though there were, of course, political consequences involved in the UN recognizing or associating with certain groups or individuals, the UN's tenets of noninterference and neutrality meant that its actions had to be defined apolitically. Consequently, the policies and approaches that the UN adopted regarding development and law and order became legitimate—and largely unimpeachable—grounds for other groups to operate in as well.

### DAYAL, MOBUTU, AND IMPARTIALITY

Ever since Mobutu established the Collège des Commissaires, they became the de facto authorities in charge of the Congo's government and ministries. With the backing of Mobutu and his ANC, the Commissaires reopened and created new schools, addressed the government's finances, founded a National Bank, and restructured the Congo's regulations of imports and exports.<sup>156</sup> This was the type of expertise-driven development program in which UN had wished to engage. Because Mobutu established the Collège des Commissaires under military fiat, however, no one within the UN would recognize them as the lawful authority.<sup>157</sup> This lack of

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156 Crawford Young, *Politics in the Congo: Decolonization and Independence* (Princeton, N.J.: Princeton University Press, 1965), 334–5.

157 Hammarskjöld denied that either Mobutu or his Commissaires were a legitimate authority in the October 1, 1960 meeting. See: “Meeting No.5, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters” October 1 1960 at 4pm, in Advisory Comm. no. 1-8, Aug-Oct 1960 Vol. 1, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-01, United Nations Archive, 26.

recognition, however, did not stop the UN from dealing with the Commissaires, or coveting their cooperation. In fact, the relationship between the UN and the Commissaires is one of the most telling aspects of the ONUC's approach to the Congo.

Starting in October 1960, one of Dayal's most consistent concerns was the return of Belgian technical advisors to the Congo and their burgeoning relationship with the Collège des Commissaires.<sup>158</sup> "The Belgians are returning in large numbers and are forming a screen around the Commissaires rendering access to them difficult to Linner's consultants. The aim seems to be to prove their indispensability and thus to demonstrate [ONUC's] redundancy."<sup>159</sup> The problem that Dayal outlined was one of competition between technical expertise: the presence of Belgian officials displaced and blocked the ONUC's experts, led by Linner, from assisting the Congolese. While Dayal was obviously troubled by the reemergence of Belgian experts, he did not once criticize or critique the substance of their policy or advice. Rather, he solely lamented the ONUC's impaired access. This indicates how important contact and relationships with Congolese officials was for the success of the ONUC. Beyond the Belgians, however, there were other complicating factors that the UN had to consider in its relationship with the Commissaires.

During the same period Dayal expressed misgivings about the UN's dealing with the Collège des Commissaires. In cables to Hammarskjöld, Dayal worried that agreements reached with an illegitimate government would pose a "political risk" to the UN. Dayal was unequivocal, however, that the UN's development mission outweighed these concerns because "specific

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158 "Dayal, Leopoldville to Secgen, New York, no. B-1181," October 5 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-05, United Nations Archive.

159 "Dayal to Secgen, no. B-1179," October 5 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-05, United Nations Archive.

programs cannot wait.”<sup>160</sup> This was an obvious example of Dayal prioritizing development over other concerns. Although Dayal recognized the unsavory character of this expedient relationship, he thought the ends justified the means. Even more interesting, however, is what did not trouble Dayal: namely, how the UN’s dealings with the Collège des Commissaires could bolster their position within the Congo and affect the UN’s impartiality.

During the UNACC meeting of November 5, the Pakistani representative, Mr. Hasan, asked Dayal why the UN chose to deal with every political leader who held power in the Congo, despite the recognized illegitimacy (referring to Mobutu and his commission) of many of these characters. Hasan postulated that if Dayal had “dealt with one or two outstanding personalities, that would have enabled those one or two personalities” to gain power through their association with the UN; but instead, the UN has “contributed to a state of affairs” where there are numerous potential leaders and powerful personalities “by dealing with almost everyone.” Quoting Dayal’s own report, Hasan mocked the statement that the “ONUC has continued to deal with whatever authority it finds in the ministerial chair.”

Dayal’s defense of the ONUC relied upon the apolitical nature of development assistance. Dayal rationalized the ONUC’s dealings with “the man who happens to be sitting in the chair” as necessary because “our [technical assistance] people have to remain in contact with somebody who is in a position to give some kind of orders.”<sup>161</sup> Central to Dayal’s argument is the

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160 “Dayal, Leopoldville to Secgen, New York, Outgoing Code, no. B-1204,” October 8 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-05, United Nations Archive, 1.

161 “Meeting No.9, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters” November 5 1960 at 10am, in Advisory Comm. no. 9-15, November 1960 Vol. 2, in Records of Secretary-General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0001-02, United Nations Archive, 17-21.

distinction between the ONUC's development work and its other functions in the Congo.

Because it was technical assistance it had to continue, regardless of who the UN needed to interact with for its implementation.

In explaining how the UN approached its relationships in the Congo, Dayal revealed the apolitical logic of development assistance. According to Dayal, were the ONUC to "have dealt with only one or two people and thereby help build them up...that, of course, would have been [a] violation of our principle of complete neutrality and impartiality so far as the political situation of the country is concerned."<sup>162</sup> Dayal obviously recognized the political consequences inherent in UN recognition of, and interaction with, Congolese authorities. The fact that he did not view that same dynamic functioning in the ONUC's relations with Mobutu's Commissaires to implement the UN's technical assistance program is telling. It implies, in Dayal's view, that technical assistance operated above and beyond the reach of politics in the Congo. The UN's relationship with Mobutu's commissioners was nevertheless selective, and conferred the prestige and recognition typical of men who held power.

#### MOBUTU'S UN-SUPPORTED (1st) RISE

In November the relationship between the UN and Mobutu changed significantly as the Colonel began an American-backed campaign to take control of Congolese politics.<sup>163</sup> In late October the National Security Council (NSC) approved a plan that identified Mobutu as "a counterbalance to Lumumba and encourage[d] him to work towards the eventual formation of a

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162 "Meeting No.9, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters" November 5 1960 at 10am, 17-21.

163 The following is informed by the newly released FRUS Volume on the Congo that reveals the level of US covert operations that backed Mobutu. FRUS, Vol. XXIII.

moderate civilian government in the Congo.”<sup>164</sup> In order to bolster the Congolese Colonel, the plan identified and allocated undisclosed sums to pay ANC troops and ensure they remained loyal to Mobutu.<sup>165</sup> The CIA station in the Congo identified Mobutu’s control of the ANC as “absolutely essential” if he was to gain power.<sup>166</sup>

In discussing its plan, the NSC and CIA cited the UN as a clear impediment to the US’s designs for the Congo. For instance, Hammarskjöld is reported to have conferred to state department officials that “he has swung away from a feeling that Lumumba must be removed, to a feeling that he is the legitimate prime minister.”<sup>167</sup> While Hammarskjöld and the US might have agreed on Lumumba and the prevailing challenges in the Congo in the past, this dynamic had changed. Furthermore, the CIA station in the Congo was “greatly concerned by maneuvering within UN of nations supporting [Lumumba] and apparent cooperation if not actual connivance of Dayal, Rikhye and other UN personnel.” The CIA station went so far as to say that “if UN were not in act, outcome would be in the bag. However, [in] view [of] UN presence and role, [headquarters] must realize this [is an] uphill fight.”<sup>168</sup>

The degree to which the UN was truly an impediment to Mobutu, however, is unclear. While the UN and Mobutu’s relationship—particularly with Dayal—was contentious, Mobutu gained from it greatly. The greatest effect of Dayal’s “whoever is in the chair” approach, was the relationship that developed between the UN and Mobutu. The UN’s original mandate, created under vastly different circumstances, called for the UN to provide technical assistance to the

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164 Memorandum for the Special Group, October 27, 1960, document 37, FRUS, Vol. XXIII, 50.

165 Memorandum for the Special Group, October 27, 1960, document 37, FRUS, Vol. XXIII, 51.

166 Telegram From the Station in the Congo to the Central Intelligence Agency, November 3, 1960, document 40, FRUS, Vol. XXIII, 53.

167 Memorandum for the Record, October 27, 1960, document 38, FRUS, Vol. XXIII, 52.

168 Telegram From the Station in the Congo to the Central Intelligence Agency, November 3, 1960, document 40, FRUS, Vol. XXIII, 52, 55.

Congo, specifically in the area of reforming its army.<sup>169</sup> As the original lawlessness that the UN was responding to was the result of an undisciplined and mutinous army, this original mandate made sense. With Mobutu's coup, however, this objective meant that the UN was required to actively engage with Mobutu, not as a political force, but simply as the head of the ANC it was mandated to train.

Starting in November, the ONUC cables reveal an increase in Mobutu's outreach to the UN in receiving training for the ANC. Throughout this period, Dayal had been called back to New York to participate in the UNACC meetings, leaving General Rikyhe—Hammarskjöld's military advisor—in charge of the ONUC. On November 9, Rikyhe oversaw the ANC successfully perform a series of paratroop jumps under the tutelage of the UN with Mobutu present. The cable notes that Mobutu was "delighted" and was hopeful that "this should facilitate our further contacts [sic]."<sup>170</sup> The UN, despite being identified as an impediment to Mobutu's rise by the CIA, was keen to engage with ANC's Chief of Staff.

In later discussions between Mobutu and General Rikyhe, on November 14, the former expressed a desire to form a second paratroop unit and take over the Kitona airbase in order to train them. The Kitona base had been under UN command since the ONUC's arrival in the Congo, but Rikyhe agreed to "continue to maintain this base on [a] caretaker basis" until Mobutu was ready to take it over. Mobutu and Rikyhe also discussed the Colonel's plans for an

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169 Specifically, the second operative clause of the original Security Council resolution which launched ONUC, mandated the UN to "provide the Government with such military assistance, as may be necessary, until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks." See: Security Council Resolution, S/4387, July 14 1960, Congo 1960-1965; Adlai Stevenson Papers: Subseries 5D, U.S. Ambassador to the United Nations; Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library.

170 "From Rikyhe, to Secgen, no. B-1386-87," November 9 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-02, United Nations Archive, 3.

Armistice Day parade, for which Rikhye agreed to provide “a strong detachment” and “a guard of honour at the war memorial.” In reflecting on this conversation, Rikyhe said that he believed it is was essential to maintain frequent contact “with Mobutu to influence him in the right direction. He basically remains a good man...our choice in Mobutu is a right one and we must support him.”<sup>171</sup> While it is not entirely clear what Rikyhe meant by the UN’s “choice in Mobutu,” at the very least it indicates a level of intent and active interest in the UN’s relationship with Mobutu and the ANC.

Rikyhe’s other cables to Hammarskjöld elaborated on the importance of the UN’s relationship with Mobutu. Rikyhe expressed confidence in the ability of the UN to train Mobutu and his forces and turn them into a positive force in the country. He wrote that even after Mobutu’s coup “the UN training mission has continued to operate and support the ANC” and that the UN has “tried to keep [Mobutu] above politics.” Rikyhe was aware, however, that the parade he volunteered UN troops to participate in might foster Mobutu’s political ambitions and “could be used to further his political ends.” Despite this he saw participation in the parade as an opportunity to “encourage” “all that we have demanded of him.”<sup>172</sup> After the Parade took place Rikyhe expressed continued belief that Mobutu held “idealistic views to serve his country as a true patriot by remaining out of politics” and stated that “we must handle him with tact and give him the necessary support to reorganize his army in the way of training and equipment and not

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171 “From Rikhye, to Secgen, no. B-1423-24-25,” November 14 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 2-4.

172 “From Rikhye, to Secgen, Outgoing Code, no. B-1436-37-38,” November 15 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 3-4.

adopt any measures which would undermine his authority as Chief of Staff.”<sup>173</sup> Even after the political effects of the parade became apparent to him, Rikyhe continued to express faith in Mobutu’s apolitical nature, stating that Mobutu “has shown no desire for personal political ambition but nevertheless has shown greater interest in the use of his authority over all.”<sup>174</sup> As an apolitical authority it was difficult for Rikyhe or the UN to reject him entirely.

Mobutu’s appeal to the UN’s sensibilities continued in other ways as well. Rikyhe also stated that he thought the parade was Mobutu’s response to the UN’s criticism of him: an attempt to demonstrate that he could maintain order. Rikyhe also stated that the parade showed that Mobutu had taken a lesson from the ONUC on how to “make a show of force.”<sup>175</sup> When Dayal returned as head of the ONUC he expressed concerns over the training program between the ONUC and the ANC, but Hammarskjöld expressed “considerable doubt about suspending the training programme. There is little wrong in my opinion with a self-confident ANC. We object to the "Rabble" element.”<sup>176</sup> While Dayal was consistently pessimistic about the ONUC’s ability to shape the ANC, this mattered little. Whether it was Rikyhe’s cables or something else that convinced Hammarskjöld, the nature of UN involvement in the Congo made Mobutu a necessary and obvious partner.

With his Collège des Commissaires, Mobutu had established precisely what the UN claimed to be: an apolitical group of technical experts charged with benevolently running the

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173 “From Rikyhe, to Secgen, Outgoing Code, no. B-1472-73-74,” November 19 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 2-3.

174 “From Rikyhe, to Secgen, Outgoing Code, no. B-1497-98-99-1500,” November 23 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 5.

175 “From Rikyhe, to Secgen, Outgoing Code, no. B-1497-98-99-1500,” November 23 1960, 5-6.

176 “From Secretary-General, to Dayal, Incoming Code Cable, no. 3769,” November 23 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-06, United Nations Archive.

country until order could be restored. As Rikhye noted, Mobutu seemed to adopt the “show of force generally prevents its actual use” motto, which Dayal had himself authored in his attempt to rewrite the ONUC's intervention policies.<sup>177</sup> While the irony of this seemed to be lost on Dayal and his colleagues, the fact that Mobutu was able to assume a role defined by the UN as desirable—even if they simultaneously rejected his legitimacy—meant he could benefit from the UN’s presence. The UN had defined a field of legitimate (a)politics, and Mobutu operated comfortably within that definition.

#### LUMUMBA’S ARREST: CRISIS WITHIN ONUC

Mobutu’s rise throughout November peaked in early December with Lumumba’s fall. When the confined Prime Minister escaped from his unofficial house arrest on November 27, he put the political atmosphere of the Congo on edge. His capture by the ANC on December 2 set off a panic—both within the UN and throughout the Congo. Within hours of the news circulating through the capital various Congolese politicians visited Dayal at ONUC headquarters, expressing concern for their safety and pondering the possibility of fleeing the country.<sup>178</sup> On December 5, days after imprisoning his main rival, Mobutu announced that the previously temporary term of his Collège des Commissaires would be indefinite.<sup>179</sup> Mobutu's military rule would continue and he would no longer oversee the reconvening of Parliament as he had originally proclaimed after his September coup. These events prompted Dayal to ponder the

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177 For Dayal’s original use of the phrase, see: “From Dayal, Leopoldville, to Secgen, New York, Incoming Code, no. B-1260, 1261, 1262, 1263, 1264,” October 17 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0005-04, United Nations Archive, 1; and, for Rikhye’s quotation of Mobutu, see: “From Rikhye, to Secgen, Outgoing Code, no. B-1497-98-99-1500,” November 23 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-01, United Nations Archive, 6.

178 “Dayal, Leopoldville to Secgen, New York, Outgoing Code, no. B1571,” December 2 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-05, United Nations Archive.

179 Kent, *America, the UN and Decolonization*, 39.

future of the ONUC, and he began a conversation with Hammarskjöld that would take place over several days and cables concerning the future of the UN in the Congo.

Dayal conveyed fears that Lumumba's arrest could lead to dangerous reactions by the Prime Minister's followers, or that any "further excesses by Mobutu and his men might make the [political] chasm unbridgeable." It was apparent almost instantly to Dayal that Lumumba's arrest could easily eliminate any chance of political reconciliation within the Congo. He considered the situation to still be "somewhat flexible," barring any "irrevocable steps," such as "the physical elimination of Lumumba," but feared that it would "not be long before rigidity sets in, rendering not only political settlements even more difficult, but...greatly impeding our technical assistance activities."<sup>180</sup> At this dark and early hour in the Congo's descent into civil war, Dayal already saw the entire purpose and success of the ONUC at risk.

Hammarskjöld's response to Dayal reflected the deteriorating situation, but with more of a willingness to operate under these circumstances. Hammarskjöld began by stating: "in view of possible drift towards military dictatorship...we should engage in some urgent stocktaking in order to know where we are and where we go." Hammarskjöld laid out a "private tentative agenda" for Dayal and himself to consider, which focused on development and law and order. Hammarskjöld expressed disappointment with the results so far in training the ANC, but thought that shutting the program down would be unwise. Instead, he suggested "building up [the] ANC, small unit after small unit," with each progressive unit replacing a UN unit and thus allowing the UN to consolidate its forces in other places and possibly withdraw altogether. Hammarskjöld

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180 "Dayal, Leopoldville to Secgen, New York, Outgoing Code, no. B1571," December 2 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-05, United Nations Archive, p.2-3.

also asked for an assessment of the UN technical assistance mission regarding financial reserves and remaining gaps left to be filled.<sup>181</sup> Even in light of an insipient military dictatorship, Hammarskjöld wanted to continue the ONUC's development mission, train Mobutu's troops, and assist in the establishment of law and order. Not only was he fairly accepting of the "drift towards military dictatorship," but seemed prepared—if not eager—to finish the UN's work in the Congo under that banner.

Dayal's reply was less confident in the ONUC's ability to either withdraw its troops or continue its technical assistance operations. He (correctly) saw Mobutu's rise as exactly what "the western missions [in the Congo] had been working for," but was skeptical that this situation would lead to "order and stability in the county" because the ANC was still unpredictable. Dayal saw the entire situation as "unstable, although it may superficially appear to have crystallized in favor of Mobutu and his associates."<sup>182</sup> Dayal predicted the collapse of international support for the ONUC if "the drift towards a military dictatorship" continued, and wondered how "the powers which have been instrumental in setting the present trends in motion" would respond to "the collapse of the UN operation." The inevitable total breakdown of law and order that would follow, which the "ANC could not possibly" do anything to counter, would mean that "even the

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181 "From Secgen, New York, to Dayal, Leopoldville, Incoming Code, no.3946, 3947, 3948," December 2 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-03, United Nations Archive, 1-3.

182 "From Dayal, Leopoldville, to Secgen, New York, Outgoing Code, no.B-1604-05," December 5 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-06, United Nations Archive, 1-2.

technical assistance operations would become virtually impossible.”<sup>183</sup> Even when considering a salvage operation, Dayal’s main concern was law and order for development’s sake.

In considering options for how the ONUC could continue its development plans in a shifting environment, Hammarskjöld agreed to consider removing UN protection from Belgian plantations and installations in outlying places. Hammarskjöld recognized that such a move would “no doubt evoke anguished cries from Belgian sources,” but said “they will have to learn to face [the] realities of a situation largely of their own making.” This was not retribution, but reallocation. While he moved troops away from the economically less important Belgian plantations, Hammarskjöld decided it was important to continue to protect “any economically essential installations, [or] research” stations.<sup>184</sup> These were the essential components of development and Hammarskjöld was hesitant to part with them. While these cables display a great deal of anxiety about Lumumba’s arrest and what it meant for the future of the ONUC, Hammarskjöld’s public demeanor was quite different.

At the December 5 meeting of the UNACC, after briefly discussing the news of Lumumba, Hammarskjöld quickly turned to the status of the UN’s development mission in the Congo. He shared the contents of a recent investigation into the level of Belgian administrative and developmental assistance in the Congo, insisted that ONUC technicians operating in the Congo were more numerous, and discussed the training of the ANC.<sup>185</sup> At this late stage and at

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183 “From Dayal, Leopoldville, to Secgen, New York, Outgoing Code, no. B-1604-05,” December 5 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-06, United Nations Archive, 2.

184 “From Secgen, New York, to Dayal, Leopoldville, Incoming Code, no.3970,” December 6 1960, in incoming and outgoing 1960 file, in series New York Code Cables, United Nations Operation in the Congo fonds, S-0736-0006-03, United Nations Archive.

185 “Meeting No.16, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters” November 5 1960 at 2:30pm, in No. 16-24, Dec 5 1960 - Feb 22 1961, in Records of Secretary-

this critical juncture, the ONUC's development efforts were not only central to the UN's purposes, but were all that Hammarskjöld could point to in defense of their efforts in the Congo.

After turning the discussion over to the delegates, the topic quickly—and predictably—turned to Lumumba's arrest. Each statement was highly critical of the UN's inability to prevent Lumumba's arrest and expressed concern for how the political situation would devolve in the future. When it was Ambassador Caba of Guinea's turn to speak he was particularly critical, accusing Mobutu and the ANC of genocide, the UN of dealing with "those guilty of genocide," and of not taking "a clear stand against anarchy." Hammarskjöld interrupted the order of speakers so that he could respond. His remarks contained a telling characterization of what his conception of law and order meant: "To let the United Nations Force maintain law and order does not mean that the United Nations Force has ever been charged by the Security Council to uphold the Constitution or to assert certain rights under the Constitution."<sup>186</sup> Law and order is revealed to mean security and stability—order over law, democracy, and self-determination.

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General Dag Hammarskjöld and Secretary-General U Thant - Peacekeeping - Congo (ONUC) - United Nations Advisory Committee on the Congo verbatim minutes, S-0849-0002-01, United Nations Archive, 8-12.

186 "Meeting No.16, United Nations Advisory Committee on the Congo, Meeting at the United Nations Headquarters" November 5 1960 at 2:30pm, 26.

## Conclusion

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Failed plans, narrowing options, and the inescapable specter of civil war defined the period between Lumumba's capture and the announcement of his death on February 13 1961. Retrospectively, Mobutu secured little by capturing Lumumba in December and extending the term of his Collège des Commissaires. The disappearance of Lumumba from the political scene emboldened the secessionists in Kasai and Katanga and set the stage for violence and civil war. Kalonji's Army in southern Kasai remained a menace, harassing ANC, UN, and Katanga troops.<sup>187</sup> Tshombe made increasingly strong demands for Katanga's complete independence and regularly used his army to brutalize the Baluba tribe. By February 1961, in its attempts at suppression, Katanga's gendarmerie had killed over 7,000 Baluba and regularly burned their villages.<sup>188</sup> Lumumba's followers also responded to Mobutu's power-grab by organizing, becoming openly pro-Soviet, taking over Orientale province, and declaring it the seat of the "only legitimate" government in the Congo.<sup>189</sup> The Congo continued to break apart and slid deeper into civil war.

The announcement of Lumumba's death sent shock waves through the UN and across the world. Rioters in Cairo attacked the US embassy; the Chinese organized a demonstration in Beijing of more than half a million people in protest of his death; and the first Security Council meeting in New York following the announcement was stormed by African American protesters angered that US policy had permitted the death of one the world's great black leaders.<sup>190</sup>

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187 "Operational Memorandum no.1 of 1961," in Miscellaneous files, box 161, Operational Memos, Series V: The United Nations Period and Related Files, Andrew Wellington Cordier Papers, Rare Book and Manuscript Library, Columbia University, 2.

188 Kent, *America, the UN and Decolonization*, 43.

189 Quoted in: Mazov, *A Distant Front in the Cold War*, 127.

190 Namikas, *Battleground Africa*, 133.

In an attempt to stave off the impending civil war, the Council began deliberations over a new ONUC mandate. The Afro-Asian bloc in the Council proposed a resolution that included language granting the ONUC the right to use force. The US did not oppose the resolution since they had been searching for a new policy and stronger UN mandate in the Congo since the inauguration of John F. Kennedy in January 1961. The Soviet Union, despite backing one the civil war's main protagonists, did not want to risk alienating itself from the Afro-Asian bloc on such a central issue as the Congo.<sup>191</sup> The resolution that was eventually adopted urged the UN to take "all appropriate measures to prevent the occurrence of civil war in the Congo, including...the use of force."<sup>192</sup> With this resolution the ONUC fundamentally changed. The sanctioned use of force made the ONUC a full participant in a civil war that lasted for years, officially ending its hopes—long since dead—that the UN could peacefully shepherd the Congo through decolonization.

The Congo remained a site of Cold War tension, unresolved political rivalry, and unending violence until 1965 when Mobutu completed his second and final coup. While initially bloodless, Mobutu's second rise to power would prove even more disastrous for the Congo and its people. His reign lasted for decades, was as exploitative of the Congo's people and resources as Belgian colonial rule had been, and ended in a violent civil war that has killed more than 5 million people.<sup>193</sup> Today, the Congo is still mired in violence and UN peacekeepers have returned—now on their third mission to the expansive African state—with a mandate to use

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191 Namikas, *Battleground Africa*, 136.

192 Security Council Resolution, S/4741, February 21 1960, Congo 1960-1965; Adlai Stevenson Papers: Subseries 5D, U.S. Ambassador to the United Nations; Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library.

193 Namikas, *Battleground Africa*, 232.

force against rebels in Katanga.<sup>194</sup> While the UN's pursuit of law and order in the Congo has resumed, memory of its first attempt is lacking.

In an examination of one of the UN's more recent interventions in the Congo (2003 to 2006), Severine Autesserre found the historical understanding of ONUC wanting: “the lack of influence that the first Congo mission had on the second one is surprising.”<sup>195</sup> Autesserre notes the similarities in objectives and challenges between the two missions, but laments that by the time the UN deployed there again “ONUC was forgotten history, with virtually no influence on the collective understanding of the causes of violence and the role of foreign interveners.”<sup>196</sup> In part, the historical blinders of the Cold War—where the UN was mired in bipolar politics, only to emerge reborn in its aftermath—are certainly to blame for this lack of institutional memory.<sup>197</sup> But Cold War exigencies do not fully explain how the UN intervened in the Congo Crisis or why it continues to struggle to achieve lasting results in central Africa.

Standard evaluations of the failures and successes of UN-led international interventions have tended to limit their analyses to the last 20 years, often considering “the disastrous engagements of the early 1990s in Somalia, Rwanda, and Bosnia,” or to the shortcomings of the

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194 Nicholas Bariyo, “UN Bolsters Congo Mission,” *The Wall Street Journal*, February 26, 2014.

195 Séverine Autesserre, *The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding* (Cambridge: Cambridge University Press, 2010), 36.

196 Autesserre, *The Trouble with the Congo*, 37.

197 The UN itself in its *Handbook on United Nations Multidimensional Peacekeeping Operations* cites the “late 1980s” as a point of evolution in UN peacekeeping efforts: United Nations, Department of Peacekeeping, *Handbook on United Nations Multidimensional Peacekeeping Operations*, December 2003, 1; and scholars of UN history often draw a distinction between “first” and “second generation” peacekeeping and humanitarian efforts that centers on the end of the Cold War. See, for example: Christopher O’Sullivan, “The United Nations, Decolonization, And Self-Determination In Cold War Sub-Saharan Africa, 1960-1994,” *Journal of Third World Studies* 22, no. 2 (October 1, 2005): 112.

Responsibility to Protect doctrine (commonly referred to as R2P) in Libya.<sup>198</sup> But regardless of whether one finds the “big picture of humanitarian intervention...decidedly positive,” or only sees “the international community’s inability to stop escalating violence,” the conversation would benefit from extending the frame of reference to include the Congo Crisis.<sup>199</sup> As was true in 1960 and remains true today, the nature of international intervention requires the UN to establish relationships with local leaders within the society they are ostensibly saving. While others have noted the impossibility of complete neutrality, the history of the UN in the Congo Crisis shows the international organization’s (not always intentional) propensity to influence the nature of those relationships and define legitimate politics.

Whether driven by principled and benevolent concerns, or a desire to fulfill its vision of implementing an expertise driven process of decolonization, the UN's pursuit of law and order in the Congo fundamentally changed the political dynamics of the country and incentivized cooperating with those who could maintain order—not law. The UN's coupling of law and order with development expertise defined an area that Mobutu and his Collège des Commissaires could occupy and dominate. By operating within the UN-defined rules of the game, Mobutu secured the international organization’s cooperation. Despite its apolitical pretensions, the UN's presence was anything but neutral: it contributed to both Lumumba's fall and the de facto support of Mobutu and his army.

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198 Adopted in 2001 by the UN, R2P is a doctrine of intervention meant to prevent genocide and crimes against humanity. It stipulates that it is the duty of every state to protect its population, but if a state fails to protect its own citizens, the responsibility to do so shifts to the international community.

199 Jon Western and Joshua S. Goldstein, “R2P After Syria: To Save the Doctrine, Forget Regime Change,” *Foreign Affairs*, March 26, 2013; Jon Western and Joshua S. Goldstein, “Humanitarian Intervention Comes of Age,” *Foreign Affairs*, November/December 2011.

The UN's relationship with Mobutu was not driven solely by the Cold War, but based on its drive for stability, order, and development. As the debate over the UN's responsibility to intervene into dynamic conflict continues, the UN's Cold War failures should not be discarded because of faulty historical dichotomies. Instead, these historical narratives should be regarded as valuable resources to the ongoing dialogue. When the UN claims to pursue law and order, the international community should continue to ask what is actually being achieved: law *or* order?

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