

'The re-establishment of satisfactory conditions in the Congo': Examining the UN's Response to the Belgian Military Intervention in July 1960

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Whilst being widely appreciated as the largest and most ambitious United Nations (UN) peacekeeping mission of the twentieth century, the legal intricacies of Organisation des Nations Unies au Congo's (ONUC) origins are rarely placed in historical context. Academics often focus on the latter stages of the mission and emphasise the state interventions in the crisis through the lens of the Cold War. This article seeks to examine the fractured relations between Belgians to illuminate the misconceptions held by those within the Security Council regarding the roots of Congolese post-independence instability. It will construct a nuanced approach to the legal and politically charged debates regarding the Belgian military intervention into Congolese sovereign territory and will question to what extent this violation was underappreciated by those within the Security Council due to the broader geopolitical fears during the crisis. In this way, analysis of the Security Council debates will question the diplomatic approaches to the colonial dynamic of the intervention which, in turn, will speak to broader understandings of the UN's engagement with the anti-colonialism movement and the ways in which international law failed to protect the interests of colonial and ex-colonial states.

This article will demonstrate how valuable a historical examination of the months preceding Congolese independence, and the subsequent post-independence crisis, is in highlighting the complex geopolitical pressures placed on the Secretary-General to respond to the instability. A historical examination of these months will allow for greater understanding of the broader anti-colonial movement's negotiation for sovereign equality within various forums of the international community. It will argue that understanding these stresses will help to illuminate the political choices

made by the Secretary-General, Dag Hammarskjöld and the other states participating in the Security Council debates. In this way, this article seeks to investigate the legal and political intricacies involved in the construction of the Secretary-General's response to a crisis that would interfere in multiple national and transnational interests.

Previous academic investigation into the United Nations Operation in the Congo (ONUC) decision-making process in the United Nations Security Council (UNSC) has largely been confined to international law scholars as there has been a greater historical focus on the later American involvement in the crisis.¹ Historians have not yet emphasised the importance of the intricacies in the early Security Council debates as part of constructing the political character and motivations of the ONUC mission. These must be investigated in order to understand the global dimensions and interests placed on the shoulders of Hammarskjöld, and, later, the peacekeeping civilian bureaucracy. The interests and political weight of multiple different states and parties became evident during the UN Security Council debates surrounding the creation of the ONUC mission. They therefore, are vital for contextualising the political intentions and the legal interpretations involved in legislating the need for a mission. These debates speak to the actors who were concerned not only with safeguarding the stability of the Congo to prevent the state – and other decolonising nations - from falling into the hands of the Communists, but also with ensuring the maintenance of European, predominantly Belgian, control over the economic region of Katanga.

Delving into the geopolitical interests of the Secretary-General will help to contextualise his choice in responding to the Congolese crisis. Hammarskjöld's political philosophy, personal networks and previous experience within internationalist circles directly influenced his attitude towards the initial delivery of operations in Congo. Following the 'McCarthyite' purge of the UN Secretariat during the 1950s, which saw the removal of those who were not ardent anti-communists from US

¹ For example, T. M. Franck, 'United Nations Law in Africa: The Congo Operation as a Case Study', in *Law and Contemporary Problems*, Vol. 27 (1962), pp. 632-652.; International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, (IDRC, 2001), pp. 49-52.

employment,² Hammarskjöld's circle of advisors were invested in an evangelical pursuit of international policy that would protect Western interests.³ Emerging from the end of the Korean War and the far-reaching trauma of the Suez crisis in 1957, Hammarskjöld's international reputation for personal diplomacy has often been heralded by scholars as an example of individual agency in international affairs.⁴ However, Hammarskjöld has more recently emerged as a controversial figure within historiography.⁵ Edward Johnson's work on British and UN relations during the crisis has revealed that individuals within the British government, including Prime Minister Harold Macmillan, often privately condemned Hammarskjöld's performance as Secretary-General for being too hesitant. He was criticised for failing to truly challenge President Nasser, a significant anti-colonial figurehead.⁶ He was also accused of being over-ambitious and for seeking to 'develop the office of the Secretary-General' beyond the boundaries of the UN Charter. Widely recognised as a Secretary-General pro-active in his diplomatic efforts to expand the jurisdiction of the UN, these historiographical debates illuminate the more controversial side of Hammarskjöld. He was an individual who sought to, 'jouant des imprécisions de la Charte' in order to extend the power of his office.⁷ Following his death in 1961 (whilst in Congo) Hammarskjöld's image has been somewhat sanctified by the UN and individuals who had worked with him. This appreciation was reflected in his being posthumously awarded the 1961 Nobel Peace Prize.⁸ Understanding Hammarskjöld's

² G. Simons, *The United Nations: A Chronology of Conflict* (Springer, 2016), p. 94.

³ S. R. Weissman, *American Foreign Policy in the Congo, 1960-1964* (Cornell University Press, 1974), p. 60.

⁴ J. Troy, 'Dag Hammarskjöld: An International Civil Servant Uniting Mystics and Realistic Diplomatic Engagement', in *Diplomacy and Statecraft*, Vol. 21, No. 3 (2010), p. 435.

⁵ See, P. Durand, 'Leçons congolaises: L'ONUC (1960-1964) ou "la plus grande des opérations": un contre-modèle?', in *Relations internationales*, Vol. 3, No. 127 (2006).

⁶ E. Johnson, "'The Umpire on whom the Sun Never Sets": Dag Hammarskjöld's Political Role and the British at Suez', in *Diplomacy and Statecraft*, Vol. 8, No. 1 (1997), p. 250.

⁷ Durand, 'Leçons congolaises', p. 56.

⁸ United Nations, 'Dag Hammarskjöld, Second Secretary-General of the United Nations', <<http://www.un.org/en/sections/nobel-peace-prize/dag-hammarskjold->

(publicly) popular international reputation in the West and his close support network of cultivated capitalists is necessary to contextualise the personal and political pressures and philosophies surrounding him as he prepared to construct the ONUC mission in June 1960.

It will be argued, therefore, that ONUC was initiated as a response to Congolese *and* Belgian calls for stability within the region. This being the motivation behind the mission's initiation set the scene for a dynamic in which the ONUC leadership consulted with both the Belgians and the Congolese government despite the Belgian's illegal occupation. It will be examined how independence negotiations created intra-national factions as the Belgian capitalists in Congo and the Belgian politicians in Brussels made their different visions of continued colonial involvement in Congo known. Therefore, the Belgian government's swift decision-making led to global repercussions as the independence negotiations did not engage fully with the complex economic situation in Katanga. The international interests bound up in Congolese natural resources subsequently put pressure on the ONUC mission to determine whose interests should be prioritised to establish stability and authority in Congo.

The Belgo-Congolese Round Table Conferences were established to prepare for the process of independence. Despite this - the extent of the practical requirements needed for a smooth transition - and how this would directly affect the Congolese government's ability to ensure stability following decolonisation - was underestimated. Within five days of the conference beginning, the date for Congolese independence had been set for June 30th 1960. David Van Reybrouck has argued that the Belgian delegation's lack of organisation at the conference was due not only to political divisions between cabinet and parliament, but also because the 'bloody struggle' for independence in Algeria during the late 1950s had decimated public support for a Belgian show of force in defence of its colonial dominions.⁹ However, the reluctance of the Belgian government to withdraw their troops from Congo following independence challenges this idea that the Belgians were content with the swift changeover.

second-secretary-general-united-nations/index.html. (Here and subsequently, all internet links were last accessed on 18 November 2018.)

⁹ D. Van Reybrouck, *Congo: The Epic History of a People* (Harper Collins, 2015), p. 258.

The fractured relationship between the different Belgian factions caused by the disagreement over the speed of Congolese independence was escalated further by the realisation that there was no established plan for the future of Union Minière du Haut Katanga (Union Minière) in Congolese territory post-independence. Belgians working for Union Minière in Congo took umbrage at the fact that Belgian representatives at the conference were solely government ministers and advisors who had spent little if any time in the Congo and were, therefore, perceived as detached from the reality on the ground; Katanga-based Belgians mockingly described the Brussels politicians as, 'Dry-season pilgrims'.¹⁰ Šture Linnér, Head of Civilian Operations for ONUC has gone as far as to suggest that it was a mutually shared hatred of the Belgians in Brussels that united Katangan President Tshombe and the Belgian businessmen.¹¹ The economic interests of many colonial Europeans, especially the Belgians and British, were attached to the continuance of Union Minière authority over Congolese territory. However, the future of the company post-independence had not been made clear. Seeking to protect their interests and politically interfere in the process of independence, the funds from Union Minière's taxes to the Belgian Congolese colonial administration were immediately transferred towards Conakat, Tshombe's political party, in expectation of a successful secession following independence.¹² Those within Union Minière were also aware that within Belgian and international law the newly independent state of Congo would acquire the assets and liabilities of the Belgian government. This acquisition would leave them in control of 16.94% of Union Minière's shares.¹³ As Wolf Radmann uncovers in his research into the Union Minière, 'this would mean that the new, independent Congo would become automatically the most important single shareholder of the Company without any decree of nationalisation and without paying any indemnity.'¹⁴ In the eyes of the

¹⁰ *Ibid.*, p. 256.

¹¹ United Nations Oral History, 'The Congo Operation: an Interview with Sture Linnér by Jean Krasno', p. 25

¹² Van Reybrouck, *Congo*, p. 311.

¹³ W. Radmann, 'The Nationalization of Zaire's Copper: From Union Minière to Gecamines', in *Africa Today*, Vol. 25, No. 4 (1978), p. 29.

¹⁴ Radmann, 'The Nationalization of Zaire's Copper', p. 29.

Union Minière Belgians, this would be an unjust economic benefit for the Congolese. The success of the mining company was directly attributed to the structures put in place by the Belgian colonists rather than the supply of Congolese natural resources.

Many colonists sought to destabilise the independence process by intervening in Congolese attempts to retain technical stability following independence. Beginning a trend of interference in Congolese infrastructure, Linnér described how the colonial Belgians 'out of spite' destroyed all technical blueprints, instruction manuals and mechanic information of many of the infrastructural buildings in Leopoldville.¹⁵ He argued this act was 'crucial' to the subsequent collapse of law and order following independence.¹⁶ The 'panicked flight' of many Belgian doctors, technicians, scientists and teachers in July left a considerable vacuum in the new Congo state. Ex-colonists, seeking to encourage Congolese instability through the destruction of key documents, only further exacerbated this vacuum.¹⁷ In contrast with the apparent multilateralism of the Belgian delegation in Brussels, those within Union Minière and the executive administration of the Belgian Congo sought to disturb the process of independence from within the country itself.¹⁸ The relationship between the Belgian government in Brussels and their businessmen stationed in Katanga became a power struggle. This power struggle was frequently confused as many Brussels politicians were also personally economically invested in Union Minière.

The Treaty of Friendship and Cooperation, which would permit Belgium to continue a relationship with Congolese territory, was reliant on *bona fide* between the Belgian and Congolese governments. Crawford Young has commented that the Belgian government's 'belated searches... for a redefined partnership' following June 30th, 'independence was initially

¹⁵ United Nations Oral History, 'The Congo Operation: an Interview with Sture Linnér by Jean Krasno', p. 9.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p. 8.

¹⁸ J. Kent, 'The Neo-colonialism of Decolonisation: Katangan Secession and the Bringing of the Cold War to the Congo', in *The Journal of Imperial and Commonwealth History*, Vol. 45, No. 1 (2017), p. 96.

accompanied by rupture.¹⁹ Three days following the declaration of independence at the end of June saw the Force Publique mutiny firstly in Thysville, in the Western region of Congo, and rapidly spread across the rest of the country. Belgium's subsequent military response on the 10th July across mainland Congo to quash the rioting and 'anarchy' of the Force Publique mutiny was justified in the UNSC on the 14th July as a humanitarian intervention.²⁰ In an act that further cemented Katanga's political entanglement with the Belgian's loss of Congolese sovereignty, Moïse Tshombé's declared independence on behalf of Katanga, the mining centre of South Congo, on July 11th 1960. Despite the violence of the mutiny, the escalation of the crisis and the swift militarisation of humanitarian justification speaks to the Belgian government's intention of maintaining economic interests and, therefore, soldiers on the ground in Congo despite agreeing to the independence of the state.

The international community's response to the conflict evidenced the extent of diplomatic confusion about humanitarian interventions and responsibility. The debates in the UNSC on the 13th and 14th July considered the intervention and sought a diplomatic solution to the crisis with no mention of the economic subtext of the crisis. Belgium's defence for their intervention rested on a humanitarian justification, 'with the sole purpose of ensuring the safety of European and other members of the population and of protecting human lives in general.'²¹ Despite criticisms from Tunisia and the USSR, the Council's general acceptance of the humanitarian angle meant that the UNSC's response, to what was arguably a violation of article 2(4) of the UN Charter and an act of aggression under international law, entirely avoided penalising Belgium. As Jean Bruno Mukanya and Samir Saul have neatly surmised, 'globalement, les puissances occidentales esquiverent le problème d'interprétation juridique et d'assignation des

¹⁹ C. Young, 'Imperial Endings and Small States: Disorderly Decolonization for the Netherlands, Belgium, and Portugal', in M. B. Jerónimo & A. C. Pinto (eds.), *The Ends of European Colonial Empires: Cases and Comparisons* (Palgrave Macmillan, 2015), p. 102.

²⁰ UNA, S/PV.873, United Nations Security Council Official Records, 13/14th July 1960, p. 34.

²¹ UNA, S/PV.873, United Nations Security Council Official Records, 13/14th July 1960, p. 34.

responsabilités, au nom d'une vision "réaliste".²² Many of the anti-colonial states chose to take their frustrations out over private telegram rather than to make a statement in the UNSC. President Sylvanus Olympio, head of state for Togo and vocal critic of colonialism, wrote a private telegram to Hammarskjöld to complain about the lack of legal reprimand against Belgian aggression. He highlighted how the lack of consequences could invite the 'reconquering' of independent African states because their sovereignty was not protected in the eyes of international law.²³ In this way, the legal interpretations of the Secretary-General in his response to the Belgian intervention spoke to the vulnerability of ex-colonial states within the arena of the Security Council.

Therefore, despite dominant historiography commenting on the anti-colonial forum of the United Nations during this period of decolonisation, it is clear that the lack of punitive action taken against the Belgian government was perceived as a slight against the sovereign protections afforded to colonial/ex-colonial nations. Alanna O'Malley has argued that the success of the ONUC mission was evident through the diplomatic influence of the Afro-Asian bloc during the latter part of the mission, in encouraging a Security Council resolution that would permit the ONUC troops to use force in the battle to end the Katangan secession.²⁴ She is correct in this argument, however, there is a lack of historical attention directed to the harm perceived by the anti-colonial movement at the UN's initial treatment of the Congolese state in the face of Belgian intervention. Pierre-Michel Durand has argued that the international response to the intervention and character of the peacekeeping mission was interpreted by the anti-colonial movement as 'un traumatisme essentiellement' that served to, '...saper la confiance quasi illimitée que l'Afrique, à l'orée de ces années 1960, plaçait dans l'organisation de New

²² J. B. Mukanya & S. Saul, 'Cavalier seul: la France contre les interventions multilatérales durant la crise congolaise, 1960-1963', in *Relations Internationales*, No. 142, No. 2 (2010), p. 110.

²³ UNA, S-0845-0001-02-00001, DS34 T150 LOME 118/117 16 1325, Private telegram from Sylvanus Olympio to Dag Hammarskjöld, p. 10.

²⁴ A. O'Malley, *The Diplomacy of Decolonisation: America, Britain and the United Nations during the Congo crisis 1960-1964* (Manchester University Press).

York'.²⁵ In contrast to the perception of the mission's success from the oral testimonies of ONUC leadership, Durant has argued that the perception of the UN's failing to support the anti-colonial movement instilled a fear of UN peacekeeping missions in African populations until UNTAG in 1989. He argues that perceptions of ONUC's operational failings were further compounded by the Afro-Asian bloc's expectations of the UN to be at the forefront of the anti-colonial movement during the wave of decolonisation of the late 1950s and 1960s.

In contrast, France's vocal response to the UNSC discussion on the intervention speaks to how the sovereignty of ex-colonial states was not, in practice, as equal as had been established in the UN Charter.²⁶ During this period, the French government was strictly against a UN multilateral intervention. Mukanya and Saul have argued that the French government was hesitant to breach colonial solidarity because many of the accusations levied against the Belgians could have also been made against French military action in Algeria.²⁷ France positioned itself as a champion of decolonisation,²⁸ and abstained from the UNSC vote in July and August that had called for the removal of the Belgian soldiers from Congolese territory. The French insisted that the cause of the chaos was an inter-Congolese constitutional conflict rather than due to the continuing presence of Belgian military.²⁹ Mr Berard, representative of France, argued in July that, 'The [Belgian] mission of protecting lives and property is the direct result of the failure of the Congolese authorities and is in accord with a recognized principle of international law, namely, intervention on humanitarian grounds.'³⁰

By arguing that the Congolese government had lost control of their army, the Belgians and their NATO allies were able to rationalise their continued presence in the very country they had just evacuated as

²⁵ Durand, 'Leçons congolaises', p. 69.

²⁶ UN Charter Art 2(1) states: 'The Organization is based on the principle of the sovereign equality of all its Members'.

²⁷ Mukanya & Saul, 'Cavalier seul', p. 111.

²⁸ UNA, S/PV.886, United Nations Security Council Official Records, 8/9th August, p. 34.

²⁹ *Ibid.*, p. 35.

³⁰ UNA, S/PV.873, United Nations Security Council Official Records, 13/14th July 1960, p. 28.

'humanitarian'.³¹ Utilising a more primitive version of the 'unwilling or unable' doctrine,³² the Belgian presence in Congo was supported by the majority of actors within the UNSC and served to contribute to narratives of incompetent independent African governments. Therefore, despite breaching sovereignty, the Congolese government would be responsible for satisfying the Belgians that the remaining Europeans were not at risk of violence in order to secure their evacuation. As a result, the Belgians were free to move the goalposts of the required sufficient standard of 'security' in Congo as they wished, effectively reinstating their troops in Congolese territory.

The fears of collapse of law and order in independent Africa were exacerbated because of existing economic relationships with Union Minière as Tanganyika, then a British colony, held large shares in the company.³³ The success of the Pan-African movement and wave of independence across the African continent following the eruption of violence with the battle of Algiers in the late 1950s threatened the security of European colonial rule in Africa. This context was only heightened by the colonial fears of post-liberation Congolese chaos being potentially contagious in their areas of dominion.³⁴ The British involvement in the crisis was financially and politically biased towards maintaining Belgian influence over the natural resources in Katanga in order to prevent the nationalisation of uranium stores. With rumours of Patrice Lumumba's alignment with the Soviet government, many Western nations were economically and ideologically attached to protecting Congolese natural

³¹ *Ibid.*, p. 34.

³² This refers to the self-defence doctrine in international law (often referring to Article 51 of the UN Charter) whereby a state is permitted to intervene in the territory of another sovereign state that is 'unwilling or unable' to police non-state actor violence or aggression that is based within its borders. In this case, the Belgian's 'humanitarian' intervention was supposedly justified because the state was deemed 'unable' to control the violence of the ANC against its own nationals which would therefore legitimise the Belgian intervention into the sovereign territory of Congo as self-defence.

³³ Radmann, 'The Nationalization of Zaire's Copper', p. 28.

³⁴ A. James, 'Britain, the Cold War, and the Congo Crisis, 1960–63', in *The Journal of Imperial and Commonwealth History*, Vol. 28, No. 3 (2000), p. 155.

resources from being turned into Communist weapons.³⁵ The looming Cold War context exacerbated Western fears of the global implications of a Congolese power vacuum and of a Communist take-over of the wealth of Congolese natural resources.³⁶

In this new, ideological scramble for Africa, 'this was not about Western European powers in search of overseas colonies, but about the victors of World War II trying to expand their spheres of influence around the globe.'³⁷ Special Representative to the Secretary General (SRSG) Ralph Bunche repeatedly complained in his personal reports to Hammarskjöld that actors within the conflict, especially the President of Katanga, Moïse Tshombe, did not appreciate the international implications of this conflict; 'not another Korea,' Bunche emphasised.³⁸ Special Assistant to SRSG Bunche, FT Liu, shared these fears: 'The country had collapsed and if nothing was done, there would be a power vacuum which could very well lead to a major world crisis involving the direct involvement of the two major superpowers.'³⁹

Although Prime Minister Lumumba and President Kasavubu jointly requested the UNSC for the ONUC mission through a telegram on the 12th July, both emphasised the need for the mission to remove the intervening Belgian soldiers from Congo. Both leaders were clear that the mission should challenge Belgian 'colonial machinations' in Katanga rather than negotiate the continued presence of the Union Minière capitalists in the southern region.⁴⁰ In this way, they emphasised that the intention of the

³⁵ UNA, S/4557, UN Security Council Official Reports, 'Second progress report to the Secretary-General from his Special Representative in the Congo and exchange of messages between the Secretary-General and the representative of Belgium, and between the Secretary-General and the President of the provincial government of Katanga', p. 50.

³⁶ O'Malley, *The Diplomacy of Decolonisation*, p. 26/27.

³⁷ Van Reybrouck, *Congo*, p. 298.

³⁸ UNA, S-0845-0001-03-00001, Cable from Ralph Bunche to Dag Hammarskjöld, 'Report from Elizabethville, Katanga, 4 August, 1960', p. 14.

³⁹ United Nations Oral History, 'The Congo crisis / F.T. Liu ; interviewer, Sutterlin', 23 March 1990, p. 57.

⁴⁰ UNA, S/4382, UN Security Council, 'Cable dated 12 July 1960 from the President of the Republic of the Congo and Supreme Commander of the National Army and the Prime Minister and Minister of National Defence Addressed to the Secretary-General of the United Nations', p.1.

invitation was in order to remove the Belgian soldiers rather than for the peacekeepers to interpret the ANC violence and post-colonial instability as a separate matter. They clarified that, 'the purpose of the aid requested is not to restore internal situation in Congo but rather to protect the national territory against acts of aggression posed by Belgian metropolitan troops'.⁴¹ As noted by Kevin Dunn, Hammarskjöld and his fellow staff made the instability of the Congo part of a broader narrative about the 'immaturity' of the new post-independence government.⁴² Therefore, in order to stabilise the nation, Hammarskjöld decided to introduce a bureaucracy of international civil service staff to the country as well as a multilateral military peacekeeping force.

ONUC leadership saw the lack of stability as resulting from the loss of law and order that had existed before the 30th June rather than due to the nature of 'law and order'. This lack of a nuanced approach to the situation on the ground was felt broadly across the mission as the international technicians and experts flown into the country responded to the environment without any real recognition of the psychological or political impact of how that intervention may be felt by the Congolese population or the broader anti-colonial bloc. Whilst the Belgians were encouraged to evacuate their soldiers from mainland Congo, many of their technical assistants were permitted to stay in order to maintain stability in their sectors which preserved a Belgian presence on the ground rather than removing it.⁴³

It was in this context of secession, decolonisation and occupation that the Secretary-General, Dag Hammarskjöld, chose to invoke Article 99 of the UN Charter to discuss in the Security Council the construction of a peacekeeping force that would seek to regulate the internal affairs of Congo rather than to take an international stance against Belgium for its breach of Congolese sovereignty. In this way, the ex-colonial state in situations of crisis was interpreted as 'immature' and unprepared for the transnational arena of global peace and security and, therefore, was in need of the liberal,

⁴¹ *Ibid.*, p.2

⁴² K. Dunn, *Imagining the Congo: The International Relations of Identity* (Springer, 2003), p. 99.

⁴³ United Nations Security Council Resolution, S/4426, 'Resolution Adopted by the Security Council on 9 August 1960 (886th Meeting)'.

stabilising guidance of the Secretary-General's peacekeeping force.⁴⁴ Although the latter stages of the ONUC mission proved a vital environment for the flourishing of the Afro-Asian bloc influence in the United Nations, the failure of the Secretary-General to interpret the Congolese breach of sovereignty as a violation of international law served to demonstrate that an ex-colonial state's protections under the UN Charter were yet to be seen as equal.

⁴⁴ Dunn, *Imagining the Congo*, p. 99.