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# A RETROSPECTIVE ANALYSIS OF UNITED NATIONS ACTIVITY IN THE CONGO AND ITS SIGNIFICANCE FOR CONTEMPORARY AFRICA

*Agola Auma-Osolo\**

## I. INTRODUCTION

The United Nations was created as an international instrument for world peace and security, as evidenced in article I, paragraphs 1-4 of the United Nations Charter. Attempts to execute these duties, however, have been disparaged by some of its own Member States<sup>1</sup> and criticized by authors who contend that the United

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1. One major criticism by some Member States is that the United Nations is by-passing its jurisdiction in repudiation of International Law under the Charter. For a discussion of (a) the Netherlands position in the United Nations concerning the Indonesian Question (1947); (b) the Iranian position in the International Court of Justice concerning the Anglo-Iranian Oil Co. Question (1951); (c) the French arguments in the United Nations concerning the Algerian Question (1955); and (d) the positions of the United Kingdom, France and Israel in the United Nations on the Suez Canal Question (1956) see AUMA-OSOLO, *THE LAW OF THE UNITED NATIONS AS APPLIED TO INTERVENTION WITHIN THE FRAMEWORK OF ARTICLE 2(7) OF THE U.N. CHARTER, A COMPARATIVE ANALYSIS OF SELECTED CASES* 35-125 (1969) (an unpublished thesis, Univ. North Carolina). See also CASES ON UNITED NATIONS LAW (L. Sohn ed. 1956); M. RAJAN, *UNITED NATIONS AND DOMESTIC JURISDICTION* (1958). Some Member States allege that the United Nations is *not*, under international law, *doing enough* with respect to what it was created to do. For example, on Dec. 12, 1960, former Indian Prime Minister Nehru protested the arrest of the Congolese Prime Minister, Patrice Lumumba, by Kasavubu-Tshombe's forces. Disappointed by United Nations action in the Congo, Prime Minister Nehru demanded the immediate release of Lumumba and vehemently charged that the United Nations Force was too passive with respect to Katanga. 4 W. JOSHUA, *UNITED NATIONS PEACEKEEPING IN THE CONGO 1960-1964* 20 (1966). Also, the Afro-Asian and Warsaw Pact blocs were disappointed when their pro-

Nations is either exceeding its jurisdiction or not exercising it when necessary. Consequently, doubts have been raised about the legality of the United Nations intervention in the Congo Crisis of 1960.<sup>2</sup> For instance, E.M. Miller<sup>3</sup> contends that despite a series of resolutions passed by the Security Council concerning the situation in the Congo (now Zaire), "neither . . . [the first] resolution nor any subsequent resolutions . . . expressly provided for a United Nations Force;" and that none of these resolutions authorized "the Secretary-General in explicit terms to establish a force."<sup>4</sup> Miller further contends that the manner in which the United Nations Force in the Congo was established represents a departure from previous methods employed, especially in Korea.<sup>5</sup>

A similar argument, with different dimensions, has been raised by D.S. Wijewardane, who contends that the United Nations Force in the Congo, though essentially peace-keeping, did not resemble the "enforcement" forces originally contemplated in chapter VII of the Charter.<sup>6</sup> Both arguments intimate that the establishment and dispatch of the United Nations Forces to the Congo lacked legal provision under the Charter.

However, if the United Nations Force in the Congo was designed to "perform a number of tasks throughout a vast territory [the Congo] in order to fulfill its mandate . . . to prevent foreign intervention in the form of men, arms or military supplies, and to prevent civil war"<sup>7</sup> (emphasis added), then one wonders why Miller and Wijewardane allege that the nature of the United Nations Force in the Congo lacked a genuine legal provision under chapter VII of the Charter.

Further, there arises the question why the United Nations Force in the Congo was finally used under Secretary-General U Thant's

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posal that Belgium be charged with aggression against the Congo was vetoed by the Security Council.

2. See, e.g., Miller, *Legal Aspects of the United Nations Action in the Congo*, 55 AM. J. INT'L L. 10 (1961) [hereinafter cited as MILLER].

3. MILLER at 10.

4. MILLER at 10.

5. MILLER at 10.

6. Wijewardane, *Criminal Jurisdiction over Visiting Forces with Special Reference to International Sources*, 41 BRIT. Y.B. INT'L L. 122, 178 (1965-1966).

7. Seyersted, *United Nations Forces, Some Legal Problems* 37 BRIT. Y.B. INT'L L. 351, 396-97 (1961).

direction against the seceding Katanga (renamed Shaba) Province while such action had been ruled out previously by his predecessor, Secretary-General Dag Hammarskjold. Although both Hammarskjold and the Congo Prime Minister, Patrice Lumumba, had agreed in late July 1960 that the United Nations was "prepared to maintain the United Nations Force in the Congo until such time as it deems the latter's task to have been fully accomplished,"<sup>8</sup> when the Prime Minister requested that the Force be used against Katanga's secession to eliminate the primary source of civil disorder, Secretary-General Hammarskjold refused to allow United Nations Forces to enter Katanga on the ground that such action would constitute a violation of Katanga's right of Domestic Jurisdiction under the Charter. As a result, the Congo problem reached such enormous proportions that the two leaders became victims of it—Lumumba was seized and ruthlessly murdered by supporters of the seceding Katanga Province on January 17, 1961, and Hammarskjold died in a plane crash in Ndola (Northern Zimbabwe) on September 17, 1961, while seeking a resolution to the problem. Not until U Thant succeeded Hammarskjold as the United Nations Secretary-General was the policy of the United Nations Force in the Congo toward Katanga altered and the Force was authorized to enter Katanga. Lumumba's appeal to the United Nations for military assistance was not realistically fulfilled until December 5, 1961 (eighteen months later). By that time, the lives of both Hammarskjold and Lumumba as well as other individuals in the Congo had been wasted simply because of United Nations inaction.

Thus, the history of the Congo Crisis of 1960 raises two pervasive and crucial questions, the answers to which may have a determinative effect upon the destiny of African nations. First, to what extent is the United Nations ready to come to Africa's rescue in case Africa is in danger of foreign aggression? Secondly, what precautionary measures must the African states take instead of relying completely on the United Nations?

## II. PRELUDE TO THE CONGO CRISIS OF 1960

For 85 years, the Belgian colonial rule in the Congo perpetuated slavery and abuse of the Congolese people<sup>9</sup> in repudiation of arti-

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8. U.N. Doc. S/4389/Add. 5 (1960).

9. See R. CASEMENT, *THE BLACK DIARIES OF ROGER CASEMENT* (1904); L. CLARK,

cles VI and IX of the Berlin General Act of 1885.<sup>10</sup> Thus, Belgian acts in the Congo, which in turn drove the Congolese to extreme anti-Europeanism, constituted a direct violation of the Berlin General Act and, thus, of international law.

Because of this hostility to Europeans, Patrice Lumumba, representing an extreme anti-Belgian viewpoint, became the spokesman of the 126 Congolese delegates at the 1960 Brussels Conference, received 80 per cent of the Stanleyville vote in the December 1959 election, won a majority in the National Chamber in the May 1960 elections, and received a 95 per cent vote of confidence from the Congolese Senate in September 1960 against Kasavubu's attempt to dismiss Lumumba from the Premiership. However, since this extreme anti-Europeanism did not occur in the British and French African colonies upon their independence, it is submitted that the Congolese anti-Europeanism—in the Congo *alone*—must have been generated by Belgium's *unduly negligent and inhumane behavior* in the Congo.

After nearly a century of Belgian colonial rule most national leaders, especially Patrice Lumumba—the most eloquent, prophetic, and erratic African politician<sup>11</sup>—emphatically demanded Congolese independence. Consequently, the Belgian Government called for the Round Table Conference with the Congolese nationalists, headed by Patrice Lumumba, Joseph Kasavubu, and Moïse Tshombe, in Brussels in January 1960.

During the Conference both parties assured each other, in good faith, of their respect for the fundamental principles of human rights, and their desire for the independence and territorial integrity of the Congolese people.<sup>12</sup> Lumumba assured the Belgian delegation:

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THROUGH AFRICAN EYES 42-63 (1970); R. DAVIS, *THE CONGO AND COASTS OF AFRICA* (1970).

10. Berlin General Act of 1885. See R. BUELL, *THE NATIVE PROBLEM IN AFRICA* 891-907 (1928); CASEMENT, *supra* note 9.

11. The Times (London), Feb. 4, 1961. See also ROYAL ANTHROPOLOGICAL INSTITUTE, *CONGO TRIBES AND PARTIES* 44-45 (1961); L. TONDEL, *THE LEGAL ASPECTS OF THE UNITED NATIONS ACTIONS IN THE CONGO* 10 (1963).

12. *La Crise Congolaise*, 13 *CHRONIQUE DE POLITIQUE ETRONGERE* No. 406 (Institute Royal des Relations Internationales, Bruxelles, 1960) 630-31, 635-37, *English translation in* A. MERRIAM, *CONGO, BACKGROUND OF CONFLICT* 352-54 (1961). See also TONDEL, *supra* note 11, at 10.

The fact that Belgium has liberated the Congo from the colonial regime we were no longer prepared to accept, has won her the friendship and esteem of the Congolese people. We desire this friendship to be enduring and free of all forms of hypocrisy. We shall thus prove to the world that the principle of friendship between nations is one of real significance . . . . As for the Europeans living in the Congo we should ask them to stay and help the young Congolese State. . . . We need their help . . . . It is with their collaboration that we wish to create the Congolese nation, in which all will find their share of happiness and satisfaction.<sup>13</sup>

After the Brussels Round Table Conference, the Congo finally was restored to self-rule on June 30, 1960. The new government was headed by Joseph Kasavubu (President) and Patrice Lumumba (Prime Minister). Below were the Provincial Premiers, such as Moise Tshombe as Premier of the Katanga Province—the same Tshombe who had grown rich through his dealings with the Belgians during the colonial period as a strong pro-Belgian.<sup>14</sup> Thus, the Congolese leadership held political views covering the entire spectrum from Lumumba's uncompromising anticolonialism to Tshombe's pro-Belgian sentiments.<sup>15</sup>

With these discrepancies among Congolese leadership, the new government fell into a series of civil wars and disorders immediately after the Declaration of Independence. Both civilian government employees and the Army demanded more employment, Africanization of officers and noncommissioned officers, and expulsion of all Belgians holding key Army posts.<sup>16</sup> To achieve this goal, they

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13. The Round Table Conference, Brussels, Belgium, Jan. 1968. See Colin Legum, *The Life and Death of Patrice Lumumba* in P. LUMUMBA, CONGO, MY COUNTRY xiii (1962).

14. J. STOESSINGER, *THE MIGHT OF NATIONS: WORLD POLITICS IN OUR TIME* 137-38 (1961). According to Professor Stoessinger, there is no doubt that Tshombe was a Belgian puppet. This is evidenced by the substantial amount of money Tshombe received from the Belgians in exchange for protecting Belgian property in Katanga Province. *Id.* at 127-28.

15. *Id.* at 138.

16. There were approximately 25,000 Congolese in the National Army but none of them held any respectable office. On the whole, this was the error of the Belgian Government that had failed to train and therefore prepare the Congolese for their independence. As a result, it was questionable what the common Congolese could expect from independence. For instance, one Congolese asked: "Does independence come wrapped in paper or do we get it at the bank?" See *id.* 137.

mutinied and attacked or threatened Belgians and other Europeans in the area; the country was in chaos, with most Europeans in an unspeakable panic. Tshombe exacerbated the deterioration of order by declaring on July 11, 1960, that his Katanga Province had *seceded* from the Congo Central Government to form a new and separate state in alliance with Belgium.<sup>17</sup> With belief in African Unity, which he preached on the grounds that "divisions lead to the suicide of Africa,"<sup>18</sup> Lumumba viewed Tshombe as a threat to African freedom. As a result, the Congo Central Government immediately announced its intention of using force against the seceding Katanga Province.

Collaborating with Tshombe, Belgium intervened with her troops under the claim that intervention in the Congo was necessary to protect the lives and property of the Belgian settlers in Katanga. The Congo Central Government strongly denounced the return of the Belgian armed forces as aggression, and called on the United Nations for military assistance.<sup>19</sup> Suspicious of United Na-

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Also, this same feeling was reported to the United Nations General Assembly on Feb. 2, 1962 by Adoula, the new Prime Minister. Accusing Belgian colonial rule, Prime Minister Adoula stated: "After 85 years of the Belgian presence, the Congo had only a few university graduates and very few technicians and qualified officials." See 9 U.N. REV. 19 (March 1962); TONDEL, *supra* note 11, at 2.

Secondly, it should be borne in mind that Lumumba was strictly determined to adhere to the Brussels Round Table Agreements of January 1960 by maintaining the high-ranking Belgian military officers in their positions, although he accepted the demands of the Congolese troops for promotions and pay increases. But, as the Belgian commanding officers in the Congolese Army abused and refused to accept the Belgian Government grant of independence to the Congo, the African troops mutinied and demanded that Lumumba expel all Belgians. Lumumba tried to resist, but as the situation deteriorated, he finally gave in. On July 8, he agreed to dismiss them all. On July 10, he appointed former Sergeant Victor Lundula to General of the Army and Joseph Mobutu, Chief of Staff.

17. Most Belgian settlers fled into Kenya from the Congo. These refugees were helped into Kenya by the East African Railways and Harbours enroute to Brussels. On their arrival at the Nairobi Railway Station, they were helped with various supplies pending their deportation to Belgium. For further details see C. LEGUM, CONGO DISASTER (1961). In his book, Legum estimates that "20 Europeans in all were killed during this uproar, but the raping of women and mistreatment of men were far more frequent as a concert of humiliations of the Aggressor." *Id.* 113.

18. A. ZOLBERG, CREATING POLITICAL ORDER: THE PARTY-STATES OF WEST AFRICA 50 (1966).

19. U.N. Doc. S/4382 (1960).

tions inaction, Lumumba requested military aid from the United States but President Eisenhower replied that any help to the Congo had to come from the United Nations and not through unilateral United States intervention.<sup>20</sup> Consequently, Lumumba turned once again to the United Nations for help.

### III. UNITED NATIONS INVOLVEMENT IN THE CONGO

Under chapter IV, art. 35, para. 2 of the United Nations Charter, "A state which is not a member of the United Nations may bring to the attention of the Security Council or General Assembly any dispute to which it is a party. . . ." In conformity with this provision, President Kasavubu and Prime Minister Lumumba, in the name of the Congo Central Government, brought to the attention of the United Nations the existing situation in the Congo on July 12, 1960, and pleaded with the Secretary-General for immediate assistance against Belgian aggression. In their cable, the two Congolese leaders stated:

The Government of the Republic of the Congo requests urgent dispatch by the United Nations of military assistance. This request is justified by the dispatch to the Congo of metropolitan Belgian troops in violation of the treaty of friendship signed between Belgium and the Republic of the Congo on June 29, 1960. Under the terms of that treaty, Belgian troops may only intervene on the express request of the Congolese Government. No such request was ever made by the Government of the Republic of the Congo and we therefore regard the unsolicited Belgian action as an act of aggression against our country.

The real cause of most disturbances can be found in colonialist machinations. We accuse the Belgian Government of having carefully prepared the secession of Katanga with a view to maintaining a hold on our country. The Government, supported by the Congolese people, refuses to accept a *fait accompli* resulting from a conspiracy between Belgian imperialists and a small group of Katanga leaders. The overwhelming majority of the Katanga population is opposed

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20. Most African nationalists were very skeptical about the reply. They, in fact, took it as "kitchen-diplomacy" business, since Belgium and the United States are both members of the North Atlantic Treaty Organization. They also expected something constructive and more active from the United States than from any other country. Therefore, Eisenhower's reply was a great shock to most of them.

to secession, which means the disguised perpetuation of the colonialist regime. The essential purpose of the requested military aid is to protect the national territory of the Congo against the present external aggression which is a threat to international peace. We strongly stress the extremely urgent need for the dispatch of United Nations troops to the Congo.<sup>21</sup>

The United Nations reacted slowly at first. The Soviet Union's suggestion to condemn the "armed aggression" by Belgium was vetoed by the Western Powers in the Security Council. Unofficially, Belgium was asked by the United Nations Security Council to withdraw its troops from the Congo,<sup>22</sup> but the Belgian Government would neither comply with this request nor accept mediation;<sup>23</sup> instead, Belgium insisted that its troops were to stay in the Congo indefinitely. President Kasavubu and Prime Minister Lumumba then jointly dispatched another cable to the Secretary-General reiterating the need for military aid.<sup>24</sup> Like the first cable, this cable strongly emphasized that military aid was not needed against *internal* but against *external* aggression. In addition, it stated that unless the United Nations responded immediately, the Congolese Government would be forced to seek other assistance, especially from the Bandung Treaty Powers.<sup>25</sup>

However, on July 14, 1960, the Security Council unanimously adopted<sup>26</sup> a resolution<sup>27</sup> authorizing the dispatch of military aid to

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21. U.N. Doc. S/4382 (1960). See also 15 U.N. GAOR, Supp. 1A, U.N. Doc. A/4390/Add. 1 (1960).

22. U.N. Doc. S/4382 (1960).

23. Dr. Ralph Bunche (a United States national and United Nations Undersecretary for Special Political Affairs) had been in the Congo since Independence. He spent the whole of July 12 mediating in the Congo-Belgian troop clashes in vain.

24. U.N. Doc. S/4382, at 2 (1960).

25. According to the STAFF OF HOUSE COMM. ON FOREIGN AFFAIRS, 86TH CONG., 2D SESS., STAFF MEMORANDUM ON THE REPUBLIC OF THE CONGO 11 (1960) Prime Minister Lumumba cabled Prime Minister Nikita Khrushchev informing him that "we may have to ask the Soviet Union's intervention should the Western camp not stop its aggression." In this same document, it is also reported that Khrushchev replied that his country "will not shrink from resolute measures to curb aggression." See also I. CLAUDE, SWORDS INTO PLOWSHARES: THE PROGRESS OF INTERNATIONAL ORGANIZATION 228 (1967).

26. Voting for the resolution were Argentina, Ceylon, Ecuador, Italy, Poland, Tunisia, the United States, and the Soviet Union. See also CATHERINE HOSKYNS, THE CONGO SINCE INDEPENDENCE, 484-86 (1965).

27. The adopted resolution read as follows: The Security Council,

the Congo and formally calling upon Belgium to remove its troops from the Congo. Nationalist China, France and Britain abstained,<sup>28</sup> upon the failure of the French attempt to veto United Nations intervention by resorting to article 2, paragraph 7 of the United Nations Charter, which prohibits United Nations intervention in a State's domestic jurisdiction.

On the following day (July 15), before the United Nations Force had been dispatched to the Congo, Lumumba, in repudiation of a sixteen-day old Treaty of Friendship with Belgium, declared a state of war with Belgium. On July 18, Hammarskjold reported to the Security Council that the United Nations Force of 3,500 troops<sup>29</sup> had arrived in the Congo and that more would be sent soon.<sup>30</sup> One day later, Belgium accepted a truce and agreed to remove its forces from "Leopoldville" to their original bases within four days.<sup>31</sup>

#### IV. A CRITIQUE

##### A. *Applicability of Article 2(7) of the United Nations Charter*

Was it illegal under the domestic jurisdiction provision, article 2(7) of the Charter, for the United Nations to intervene in the Congo? Was it *essentially* an internal problem of the Congolese

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*Considering* the report of the Secretary-General on a request for the United Nations action in relation to the Republic of the Congo,

*Considering* the request for military assistance addressed to the Secretary-General by the President and Prime Minister of the Republic of the Congo (Document S/4382),

1. *Calls* upon the Government of Belgium to withdraw their troops from the territory of the Republic of the Congo;

2. *Decides* to authorize the Secretary-General to take necessary steps, in consultation with the Government of the Republic of the Congo, 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:

3. *Requests* the Secretary-General to report to the Security Council as appropriate." U.N. Doc. S/4387 (1960).

28. *Id.*

29. Egypt, Ethiopia, Ghana, Guinea, Mali, Morocco and Tunisia.

30. U.N. Doc. S/4389 (1960).

31. U.N. Doc. S/4389/Add. 1 (1960).

Government? Was it a unilateral action of the United Nations to intervene in the Congo or was it through the invitation of a legitimate government? These are the fundamental questions that should be examined to understand fully the legality of the United Nations action in the Congo.

According to article 2(7) of the United Nations Charter: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present United Nations Charter; *but this principle shall not prejudice the application of enforcement measures under Chapter VII.*" (Emphasis added.) In view of this provision, should we still insist that the United Nations violated its obligation by intervening in the Congolese domestic jurisdiction? It is submitted that this question should be answered in the negative.

Despite the presence of article 2(7), in his opening statement to the Security Council, Secretary-General Hammarskjold emphasized that his request for an immediate meeting of the Security Council was made under article 99 of the United Nations Charter,<sup>32</sup> which empowers "[t]he Secretary-General [to] bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." Thus, when Belgium refused to honor two previous Security Council resolutions—U.N. Doc. S/4387 and U.N. Doc. S/4405, respectively—in repudiation of its obligation under articles 25 and 49 of the United Nations Charter, which require all Member States to accept and carry out decisions of the Security Council, Hammarskjold found it necessary to press the Security Council for a *third* resolution against Belgium.<sup>33</sup> Consequently, on August 9, 1960, the third resolution (S/4426) was adopted; it called upon all Member States to accept and carry out the measures decided by the Security Council in respect to the Congo and in accordance with the United Nations Charter.<sup>34</sup> Since it was incumbent on Belgium to honor the first two resolutions of the Security Council,

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32. 15 U.N. SCOR 873rd meeting 7 (1960). See also MILLER, *supra* note 2, at 2; TONDEL, *supra* note 11, at 14.

33. U.N. Doc. S/4426 (1960).

34. *Id.*

the question arises why it was necessary to pass a third resolution.

To explain the necessity of the third resolution, the Secretary-General emphasized that whereas the first and second resolutions had made no explicit reference to the Charter provisions upon which the Security Council was acting, the third resolution *called* to the attention of the Katanga provincial authorities articles 35 and 49 of the Charter, which provide, respectively, that both Members and non-Members must bring their disputes to the United Nations and that Members must join in mutual assistance to carry out Security Council measures.<sup>35</sup> Hammarskjold emphasized:

The [first and second] resolutions of the Security Council of 14 and 22 July were not explicitly passed under Chapter VII [of the Charter], but they were passed on the basis of an initiative under Article 99. For that reason, I have felt entitled to quote three Articles under Chapter VII, and I repeat what I have already said in this respect: in a perspective which may well be short rather than long, the problem facing the Congo is one of peace or war—and not only in the Congo.<sup>36</sup>

Although the Secretary-General did not refer to article 39, which authorizes the Security Council to determine the existence of any act of aggression, it is evident that there was a more immediate demand for the use of chapter VII of the United Nations Charter than that of article 39 *per se*.<sup>37</sup>

#### B. *Legal Principles Authorizing the United Nations Forces in the Congo*

To ascertain whether the actions of the United Nations Force in the Congo were consistent with the United Nations Charter, it is necessary to compare article 2(7) with United Nations action pursuant to articles 41 and 42 as well as the resolutions of the Security Council and the General Assembly. Provisional measures under

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35. U.N. Doc. S/4417, at 5 (1960). Both Members and non-Members of the United Nations can bring their disputes to the United Nations (art. 35). Member States must join in mutual assistance to carry out the Security Council's measures (art. 41).

36. 15 U.N. SCOR, 884th meeting 5 (1960).

37. See 2 REPERTORY OF PRACTICE OF U.N. ORGANS 338-41 (1955). The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression (art. 39).

article 40 of the Charter designed to prevent a potential threat to world peace and security can be taken only if such measures do not entail "*matters which are essentially within the domestic jurisdiction of any state.*"<sup>38</sup> (Emphasis added.) Consequently, in reconciling these conflicting obligations—maintenance of world peace and respect for Congolese domestic jurisdiction—the Secretary-General did not base the intervention of troops in the Congo on articles 39 and 40 but on *articles 41 and 42.*<sup>39</sup> To justify his position Hammarskjöld said "[i]n the light of the domestic jurisdiction limitation of the Charter, it must be assumed that the Council did not authorize the Secretary-General to intervene with armed troops in an internal conflict, when the Council has not specially adopted enforcement measures under article 41 or 42 of Chapter VII."<sup>40</sup>

Further, to understand Hammarskjöld's action and, therefore, the legal grounds for the United Nations Force in the Congo, one must also examine the texts of the following documents: (1) the reports submitted by the United Nations Secretary-General to the Security Council;<sup>41</sup> (2) the communique between the Congolese

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38. U.N. CHARTER art. 2(7).

39. Both articles 39 and 40 of the United Nations Charter are weak legal instruments in the event of a situation potentially threatening to world peace and security. Article 39 requires the Security Council to determine the existence of any threat to the peace, breach of the peace or act of aggression, and to make recommendations as to what should be done in the event thereof. Article 40 requires the Security Council to recommend to the parties concerned to comply with the Security Council's decisions as per article 39.

Both articles 41 and 42 are, on the other hand, the only decisive legal instruments that the Security Council can effectively implement to stop an actual threat to world peace and security. Article 41 calls upon the Security Council to decide what measures to pursue—complete or partial interruption of economic relations and of sea, air, postal, telegraphic radio, and other means of communications, and the severance of diplomatic relations. Article 42 calls upon the Security Council to intervene with armed forces by air, sea or land as may be necessary to maintain or restore international peace and security.

40. 15 U.N. SCOR, 887th meeting 10 (1960).

41. U.N. Doc. S/4417 (1960); U.N. Doc. S/4417/Add.1/Rev. 1 (1960); 15 U.N. SCOR, 884th meeting (1960); 15 U.N. SCOR, 887th meeting (1960); U.N. Doc. S/4482 1-4 (1960); U.N. Doc. S/4389 (1960); 13 U.N. GAOR, Annexes, Agenda Item No. 65, at U.N. Doc. A/3943(1958). *See also* 8 U.N. Rev. 16 (May 1961); 9 U.N. Rev. 7 (Jan. 1962); 9 U.N. Rev. 5 (Feb. 1962); MILLER, *supra* note 2, at 10; N.Y. Post, March 30, 1962 (editorial).

Government and the Secretary-General of the United Nations;<sup>42</sup> (3) the views of Governments expressed in the proceedings of the Security Council;<sup>43</sup> (4) the resolutions passed by the Security Council;<sup>44</sup> (5) the views of the Governments expressed before the General Assembly;<sup>45</sup> and (6) the General Assembly's resolutions.<sup>46</sup>

Of great significance were the resolutions passed by the Security Council pursuant to an official plea from the Congo that had been received on July 12, 1960.<sup>47</sup> Two resolutions<sup>48</sup> were passed immediately. The operative clause of the first resolution (S/4387) on which the United Nations Force was established stated that the Security Council,

DECIDES to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, 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.<sup>49</sup>

Therefore, E.M. Miller's argument that none of these "resolutions of the Security Council expressly provided for a United Nations Force (or authorized) the Secretary-General in explicit terms

42. U.N. Doc. S/4414 (1960); U.N. Doc. S/4382 (1960); U.N. Doc. S/4940/Add. 14 (1961); U.N. Doc. S/5038 (1961).

43. U.N. Doc. S/4414 (1960) (letter from Prime Minister Patrice Lumumba to the Security Council dated July 31, 1960); U.N. Doc. S/4415 (1960) (comments by the Representative of Ghana); U.N. Doc. S/4416 (1960) (comments by Representative of the Soviet Union); U.N. Doc. S/4417/Add.1/Rev.1 (1960) (comments by Representative of Guinea); U.N. Doc. S/4516 (1960) (U.S. draft resolution).

44. U.N. Doc. S/4387 (1960) (adopted at 873rd meeting, July 13, 1960); U.N. Doc. S/4405 (1960) (adopted at 879th meeting, July 22, 1960); U.N. Doc. S/4426 (1960) (adopted at 886th meeting, Aug. 9, 1960); U.N. Doc. S/4741 (1961) (adopted at 942d meeting, Feb. 20-21, 1961).

45. U.N. Doc. S/4453 (1960); U.N. Doc. 4503 (1960); U.N. Doc. S/4985/Rev.2 (1960); U.N. Doc. S/5002 (1960).

46. U.N. Doc. A/Res. 1474 (ES-IV) (1960); G.A. Res. 1583, 15 U.N. GAOR Supp. 16, at 52; G.A. Res. 1590, 15 U.N. GAOR Supp. 16, at 57; G.A. Res. 1595, 15 U.N. GAOR Supp. 16A, at 13.

47. U.N. Doc. S/4382 (1960).

48. U.N. Doc. S/4387 (1960); U.N. Doc. S/4405 (1960).

49. U.N. Doc. S/4387 (1960).

to establish a force"<sup>50</sup> must be open to question. Further, if Miller contends that the Secretary-General's implementation of the Security Council's resolutions and dispatch of the United Nations Force into the Congo was a violation of article 2(7) of the United Nations Charter on the grounds that *nowhere* in the said resolutions exist "explicit terms" authorizing the Secretary-General "to establish a force,"<sup>51</sup> then this argument *must* be inconsistent with that portion of paragraph 2 of the Security Council's first resolution, which *explicitly* authorizes the provision of military assistance as may be necessary.

In implementing the Security Council resolutions, the Secretary-General consulted and entered into agreement with Prime Minister Patrice Lumumba when he came to the United Nations headquarters to address the United Nations in late July 1960.<sup>52</sup> As a result of that meeting, the Secretary-General prepared and submitted the following agreement to the Security Council:

1. The government of the Republic of the Congo states that, in the exercise of its sovereign rights with respect to any question concerning the presence and functioning of the United Nations Force in the Congo, it will be guided, in good faith, by the fact that it has requested military assistance from the United Nations and by its acceptance of the resolutions of the Security Council of 14 and 22 July 1960; it likewise states that it will ensure the freedom of movement of the Force in the interior of the country and will accord the requisite privileges and immunities to all personnel associated with the activities of the Force.
2. The United Nations takes note of this statement of the Government of the Republic of the Congo and states that, with regard to the activities of the United Nations Force in the Congo, it will be guided, in good faith, by the task assigned to the Force in the aforementioned resolutions; in particular the United Nations reaffirms, considering it to be in accordance with the wishes of the Government of the Republic of the Congo, that it is prepared to maintain the United Nations Force in the Congo until such time as it deems the latter's task to have been fully accomplished.
3. The Government of the Republic of the Congo and the Secretary-General state their intention to proceed immediately, in

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50. MILLER, *supra* note 2, at 10.

51. *Id.*

52. U.N. Doc. S/4389/Add. 5 (1960).

the light of paragraph 1 and 2 above, to explore jointly specific aspects of the functioning of the United Nations Force in the Congo, notably with respect to its deployment, the question of its lines of communication and supply, its lodging and its provisioning; the Government of the Republic of the Congo, confirming its intention to facilitate the functioning of the United Nations Force in the Congo, and the United Nations have agreed to work together to hasten the implementation of the guiding principles laid down in consequence of the work of joint exploration on the basis of the resolutions of the Security Council.

4. The foregoing provisions shall likewise be applicable, as appropriate, to the non-military aspects of the United Nations' operation in the Congo.<sup>53</sup>

Further, in the second resolution,<sup>54</sup> the Security Council maintained that "complete restoration of law and order in the Republic of the Congo would effectively contribute to the maintenance of international peace and security."<sup>55</sup> The most explicit expression of the legality of continued presence of the United Nations Force in the Congo is envisaged in the *third* resolution adopted by the Security Council on August 9, 1960. In this resolution the Security Council called upon "all Member-States, in accordance with articles 27 and 49 of the Charter, to accept and carry out the decisions of the Security Council [with regard to the Congo and authorized] the Secretary-General to implement this resolution and to report further to the Security Council as appropriate."<sup>56</sup>

In view of the foregoing, the legality of United Nations actions in the Congo is well supported. Furthermore, although the Republic of the Congo had not yet become a member of the United Nations, the Republic's appeal to the United Nations under chapter VII, article 49 of the United Nations Charter constitutes supplementary evidence of the legality of the United Nations intervention in the Congo.<sup>57</sup>

On the other hand, the legality of Hammarskjöld's denial of

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53. *Id.*

54. U.N. Doc. S/4405. *See also* U.N. Doc. S/4404 (draft resolution by Ceylon & Tunisia); U.N. Doc. S/P.V. 878 (Security Council debate on Resolution), at 32, 37; U.N. Doc. S/P.V. 879 (meeting transcript adopting the Resolution), at 42-44.

55. U.N. Doc. S/4405 (1960).

56. U.N. Doc. S/4426 (1960).

57. U.N. Doc. S/4417/Add. 3 (1960).

Prime Minister Lumumba's request for United Nations intervention in the Katanga Province to *restore* law and order in the Republic of the Congo as agreed upon in the second Security Council resolution—No. S/4405, paragraphs 2 and 3—is questionable since Hammarskjöld's allegations that the United Nations Force's entry in Katanga would be a violation of Katanga's right of domestic jurisdiction were inconsistent with his pledge to maintain the United Nations Force in the Congo until such time as it deemed the task of restoration of peace completed.<sup>58</sup>

None of the pertinent United Nations documents explicitly bar the United Nations Force in the Congo from intervening in Katanga Province. Indeed, in its third resolution, No. S/4426, the Security Council noted "with satisfaction the progress made by the United Nations in carrying out the Security Council resolutions in respect of the territory of the Republic of the Congo *other than the Province of Katanga*."<sup>59</sup> (Emphasis added.) As evidence of what the United Nations had accomplished so far in the Congo and what remained to be done, this implies that the Security Council expected intervention in Katanga. Thus, Hammarskjöld's presumption that intervention in the seceding Katanga Province by the United Nations Force would be a violation of article 2(7) of the United Nations Charter lacks substantial support.

It should also be added that, on the basis of the early experience of the United Nations Emergency Force in Korea, Hammarskjöld constructed some "basic principles and rules" designed to provide "an adaptable framework for the later operations"<sup>60</sup> of the United Nations Force in the Congo. These principles include: (1) The United Nations cannot station units on the territory of a Member State without the consent of the government concerned. (2) It is for the United Nations alone to decide on the composition of any force, taking fully into account the views of the host government. (3) United Nations Forces should not include units from any of the five permanent members of the Security Council or from any country that might be considered as having a *special interest* in the situation. (4) United Nations Forces should have full freedom of movement and all facilities necessary for their tasks. (5) The per-

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58. U.N. Doc. S/4389/Add. 5 (1960).

59. U.N. Doc. S/4426 (1960).

60. S. BAILEY, *THE UNITED NATIONS: A SHORT POLITICAL GUIDE* 60 (1963).

sonnel of the United Nations Force should be loyal to the aims of the Organization and the Force should be directly responsible to one of the main organs of the United Nations. (6) United Nations personnel cannot be party to any internal conflict, and the United Nations Force should not be used to enforce any special political situation or to influence the political balance. (7) Since the United Nations Force is an instrument for mediation and conciliation, it cannot engage in combat activities, though it may respond with force to an armed attack. (8) The cost should be allocated among Member States according to the normal scale of budgetary contributions.<sup>61</sup>

To the contrary, however, Hammarskjold did not adhere to his own "basic principles" when composing the United Nations Force in the Congo. Executing only principles 1, 2, 4, 5, 6 and 8, he failed to honor principles 3 and 7. For instance, although he excluded units from the Permanent Members of the Security Council in conformity with the first clause in principle 3, he did not stick to his position as envisaged in the last clause of the same principle. Thus, in composing the United Nations Force the Secretary-General drew most of the Force's units from African nations,<sup>62</sup> countries with utmost interest in the Congo because of their Pan-Africanism.

Furthermore, the United Nations intervention in Katanga Province was neither a violation of principle 7 nor of article 2, paragraph 7 of the United Nations Charter, since it was this secession that had triggered the national trouble in the Congo and had invited mercenaries from Belgium, South Africa, Rhodesia, etc., to proceed against the national government. One critic of Hammarskjold's position writes that "the decision to maintain the unity of the Congo in the face of separatist activities eventually required U.N. officials to take action which had, or could be interpreted as having, internal political implications. While the United Nations exercised restraint in using force (principle 7), the Security Council did in the end authorize the use of force when necessary, as a last resort . . . ."<sup>63</sup> Thus, the Secretary-General's presumption that the penetration of the United Nations Force in the Congo (ONUC) into Katanga Province would constitute a violation of the

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61. *Id.*

62. Ghana, Ethiopia, Guinea, Mali, Morocco and Tunisia.

63. BAILEY, *supra* note 60, at 62.

obligation of the United Nations to respect domestic jurisdiction within the framework of article 2, paragraph 7 lacks legal foundation.

The Secretary-General insisted, however, that his interpretation involved these four points: (1) The United Nations Force cannot be used on behalf of the Central Government to subdue or to force the Provincial Government to follow a specific line of action. (2) United Nations facilities cannot be used to transport civilian or military representatives of the Central Government to Katanga against the desire of the Katanga Provincial Government. (3) The United Nations Force has no duty, or right to protect civilian or military personnel representing the Central Government beyond what follows from its general duty to maintain law and order. (4) The United Nations has no right to prevent the Central Government from taking any action which by its own means, in accordance with the purposes and principles of the Charter, it can carry through in relation to Katanga.<sup>64</sup> Hammarskjold also insisted that these were the four elements that "would necessarily apply *mutatis mutandis*, as regards to the Provincial Government in its relations with the Central Government."<sup>65</sup>

If these four points did constitute the legal position of the United Nations with respect to the Congo, then the Secretary-General was correct, of course, that the United Nations Force had no business intervening in the seceding Katanga Province, or interfering with Katanga's form of action.

### C. *The Discrepancy Between the Respective Decisions of Hammarskjold and U Thant with Respect of Seceding Katanga Province*

If, however, one accepts Hammarskjold's four elements as the definitive legal bases for United Nations action in the Congo, there arise serious discrepancies between the United Nations position in the Congo and the rationale for that position under the administrations of Hammarskjold and U Thant. If, as viewed by Hammarskjold, the United Nations lacked legal authority to intervene in the situation between the Congolese Central Government and the

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64. MILLER, *supra* note 2, at 16; U.N. Doc. S/4117/Add. 6, at 3-4 (1960).

65. MILLER, *supra* note 2, at 16; U.N. Doc. S/4417/Add. 6, at 3-4 (1960).

seceding Katanga Province, then it should have been legally *inconsistent* for the United Nations under U Thant to deviate from Hammarskjold's position and resort to military force against Katanga's secession. Since the two Secretaries-General made opposite decisions with respect to Katanga's secession and since, in making such decisions both leaders were supposed to be governed by the directives of the United Nations Charter and Security Council Resolutions, one wonders what factors might have contributed to their respective decision-making.

It is submitted that the socio-political environment (country of citizenship, educational experiences, and professional experience) of Hammarskjold and U Thant was a key factor in their respective decision-making process with respect to Katanga.<sup>66</sup> (See Appendix.) Both Hammarskjold and U Thant were approximately the same age. Before they were appointed Secretary-General to the United Nations, both had read widely, held different responsible administrative positions in their respective governments, and represented their countries at both regional conferences and the United Nations. Regionally, Hammarskjold had served as: Sweden's chief delegate to the Paris Peace Conference on the Marshall Plan (1947), Sweden's representative at the Organization for European Economic Cooperation (OEEC), a member of the OEEC Executive Committee, and delegate to the new Council of Europe. Because of Hammarskjold's intensive involvement in inter-European cooperation, it is submitted that it is possible that Hammarskjold's *Europhilia*, which he acquired in the course of his education and experience in Europe, must have been a factor in his decision with respect to the Katanga question, especially since Belgium was a key participant in the Katanga secession. Since a severe action in the form of intercession by the United Nations

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66. See generally P. BERGER & T. LUCKMAN, *THE SOCIAL CONSTRUCTION OF REALITY: A TREATISE IN SOCIOLOGY OF KNOWLEDGE* chs. II & III (1970); D. EASTON & J. DENNIS, *CHILDREN IN THE POLITICAL SYSTEM, ORIGINS OF POLITICAL LEGITIMACY* (1969); S. GOLDMAN *et al.*, *THE FEDERAL JUDICIAL SYSTEM* (1968); R. HESS & J. TORNEY, *THE DEVELOPMENT OF POLITICAL ATTITUDES IN CHILDREN* (1967); H. JACOB, *URBAN JUSTICE: LAW & ORDER IN AMERICAN CITIES* (1973); H. JACOB, *JUSTICE IN AMERICA: COURTS, LAWYERS & JUDICIAL PROCESS* (1965); R. LUCKHAM, *THE NIGERIAN MILITARY, A SOCIOLOGICAL ANALYSIS OF AUTHORITY AND REVOLT 1960-1967* (1971); J. PELTASON, *FIFTY-EIGHT LONELY MEN, SOUTHERN FEDERAL JUDGES AND SCHOOL DESEGREGATION* (1961).

Force against Katanga's secession would have been inconsistent with Hammarskjold's European-oriented attitude toward Katanga, he refused Lumumba's request for the United Nations Force to proceed against Tshombe's Katanga to avoid dissonance.<sup>67</sup>

U. Thant, before becoming Secretary-General in 1961, had had some regional apprenticeship with the African-Asian Conference held in Bandung in 1955, which, like Hammarskjold's regional apprenticeship, must have been a major factor in his decision. Thus, *unlike* Hammarskjold's decision, U Thant's decision to take action against Katanga's secession—a decision that was welcomed by most African countries—must have been motivated, at least in part, by his Third World sympathies as well as his views as to the significance of chapter VII of the United Nations Charter. It was his *positive* attitude toward the Afro-Asian bloc, of which his own country is a member, that determined the decision U Thant made. Had U Thant been from the West, it is more likely that his decision would not have deviated from that of Hammarskjold. This theory of country-of-origin bias is also evidenced by: (1) the Western attitude in the 1966 International Court of Justice decision with respect to the South West African Case<sup>68</sup>—a decision that was absolutely political, and (2) the unconcerned attitude of the Western powers in the United Nations with regard to (a) apartheid problems in Southern Africa, (b) the Smith regime in Zimbabwe, (c) the Namibia Question, and (d) the annihilation of the African population in Angola, Mozambique, and Guinea-Bissau by Portuguese colonists before the new Portuguese regime decided, in late 1974, to grant independence to these three territories.

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67. For further details on this theory of goal-perception, situation-perception, and decision-making with respect to that goal in order to avoid one's dissonance (self-blame) see L. FESTINGER, *A THEORY OF COGNITIVE DISSONANCE* (1957); Newcomb, *An Approach to the Study of Communicative Arts*, 60 *PSYCHOLOGICAL REV.* No. 6 (1953); Osgood & Tannenbaum, *The Principles of Congruity in the Prediction of Attitude Change*, 62 *PSYCHOLOGICAL REV.* No. 1 (1955).

68. In the *South West African Cases* (1966), the International Court of Justice dropped the case against both Ethiopia and Liberia (plaintiff) with the allegation that the plaintiff did not have any legal right or interest in the subject matter of their claims. *South West Africa Cases*, [1966] I.C.J. 4. See also G. MANGONE, *THE ELEMENTS OF INTERNATIONAL LAW* 477, 501-25 (1967).

## V. CONCLUSION

With these experiences, it is therefore hoped that African states will be more conscious of their status in the world today. Further, it is hoped that African states will begin to reevaluate their Organization of African Unity (OAU) in terms of its strength and cohesiveness in common defense and cultural backgrounds. To be masters of themselves instead of relying on the United Nations or foreign powers for help, it is imperative that the African states, through OAU, strengthen themselves militarily to contain further foreign aggression. This must be done because the United Nations is composed of some Member States and persons with different backgrounds and attitudes which militate against African sympathies. Although the General Assembly has a majority of Third World nations, most of the *key* personnel are still from the West. For instance, three of the four Secretaries-General have been from the West.<sup>69</sup>

Although the use of force other than in self-defense or collective defense is illegal, other states have repeatedly used it to achieve their perceived ends; for instance the United States in Korea (1950-51) (the United Nations entered Korea after the United States was already in the area), Vietnam (1954-73), the Bay of Pigs (1961), and in the Cuba Missile Crisis (1962); the Soviet Union in Czechoslovakia (1968), and in Hungary (1956); and the United Kingdom, France, and Israel in the Suez Canal (1956). Neither this past experience nor the concept of self-defense as "inherent in every sovereign state and . . . [explicit or] implicit in every treaty,"<sup>70</sup> should be ignored by African states, which should reconsider their international status. Regardless of the Charter provision of article 2, paragraph 4, which prohibits every Member State of the United Nations from resorting to force as a means of settling disputes, under this *same* Charter, article 51, African states are also free at all times to defend their territories from foreign attack or invasion. Indeed they *alone* are *rationaly and legally* competent to decide whether circumstances require recourse to war in self-

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69. Trygve Halvdan, 1946-53 (Norwegian); Dag Hammarskjold, 1953-61 (Swedish); U Thant, 1961-71 (Burmese); and Kurt Waldheim, 1971 to the present (Austrian).

70. G. SCHWARZENBERGER, *A MANUAL OF INTERNATIONAL LAW* 318 (1967).

defense.<sup>71</sup> According to the prevailing customary right of self-defense under the framework of International Law, the resort to physical means of self-defense is *legitimate* not only to *protect* the state's territorial integrity against direct aggression, but is *equally legitimate* when resorted to solely for the protection of those interests that collectively comprise the nation's security and, therefore, its total political independence.<sup>72</sup> Furthermore, like all other *de jure* states elsewhere, the African states are the only ones that are *rationaly* and *legally* competent to determine when they should resort or not resort to war because world history explicitly shows that we still live in an amorphous and acephalous world whose law and order, therefore, relies significantly on the 'conduct' of a constellation of sovereign political entities called nation-states. According to history, up to now, we still live in a world of anarchy—a world without any central governing body or agency above individual state(s) with a higher authority and power to make binding laws upon nation-states and the latter's conduct.<sup>73</sup> Of course, states are not only *homo politicus* but also *homo juridicus*; hence, they are competent to make commitments and treaties within the framework of *pacta sunt servanda* as also envisaged in the United Nations Charter. However, the African nation-states must also realize that unlike individuals who *must* comply with the dictates of their respective sovereign states or else be punished by their respective municipal laws for such misconduct, states do *not* have to comply with anyone including their own commitments and treaties so long as there exists no higher authority above the sovereignty of the state, which can punish any state for non-compliance. In a sense, International Law *sui generis* is still in its infancy—it is still *too* primitive and, therefore, a very unreliable instrument or weapon for world order and security. Thus, given this reality, African states individually and collectively in the OAU must not ignore the alternative of self-help when United Nations decisions—based on Western attitudes and concepts—are antithetical to the best interests of Africa.

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71. W. BISHOP, *INTERNATIONAL LAW, CASES AND MATERIALS* 776 (1962).

72. See also J. BRIERLY, *THE LAW OF NATIONS* 414-32 (1963); H. KELSEN, *PRINCIPLES OF INTERNATIONAL LAW* 73 (1966); H. LAUTERPACHT, *THE DEVELOPMENT OF INTERNATIONAL LAW BY INTERNATIONAL COURT* 317-18 (1958); L. OPPENHEIM, *INTERNATIONAL LAW, A TREATISE* 297-304 (8th ed. 1967).

73. *INTERNATIONAL POLITICS, ANARCHY, FORCE, IMPERIALISM* 3-9 (R. Art & R. Jervis eds. 1973).

## APPENDIX\*

A COMPARISON OF THE BIOGRAPHIES OF  
DAG HAMMARSKJOLD AND U THANT

	Dag Hammarskjold	U Thant
Birth Date:	July 29, 1905	January 22, 1909
Birth Place:	Sweden	Burma
Citizenship:	Swedish	Burmese
State's Regional Organization:	European Free Trade Association	African-Asian Group of Non-Alignment
Education:	Major: Literature, Philosophy, French Law, Economics	Major: English, History, Mathematics, Civics
Professional Experience:	Secretary of the Royal Commission on Unemployment (1934)	Headmaster of Pantanaw School (1931)
	Undersecretary in Ministry of Finance (1936-45)	Educator and Writer (1931-47)
	Chairman, Board of Governors of the Bank of Sweden (1941-45)	Published a translated work on the League of Nations (1933)
	Sweden's chief delegate to Paris Conference on the Marshall Plan aid (1947)	Published recommendations on Educational Reforms in Burma (1946)
	Sweden's Representative to Organization for European Economic Cooperation	Press Director of Burma (1947)
	Member of OEEC Executive Committee	Broadcasting Director of Burma (1948)
	Delegate to the New Council of Europe	Secretary in Burmese Ministry of Information (1959)
	Economic and Financial Special Advisor to the Swedish Cabinet (1945-47)	Secretary in Burmese Minister's Office (1953)
	Undersecretary in Swedish Foreign Office (1945-47)	Secretary in Prime Minister's Office and Executive Secretary of Burmese Economic and Social Board (1955)
	Secretary-General of Swedish Foreign Office (1949)	Member of Burmese Delegation of Goodwill Mission to Thailand and Indonesia (1951)
	Vice-Minister for Swedish Foreign Affairs (1952)	Member of Burmese Delegation to the United Nations (1952)
	Swedish Delegation Member of United Nations (1952)	Special Advisor to Burmese Prime Minister
	Secretary-General of United Nations (1953)	a) Colombo Prime Ministers' Conference (1950)
		b) African-Asian Conference, Bandung, Indonesia (1955)
		c) Third Colombo Prime Ministers' Conference (1956)
		d) Asian Socialist Conference at Bombay (1956)

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\*Source: A. ROVINE, *THE FIRST FIFTY YEARS; THE SECRETARY-GENERAL IN WORLD POLITICS 1920-1970* 271-78, 341-46 (1970).

Burmese Ambassador to United Nations (1957)

Chairman of Burmese Delegation to the United Nations General Assembly (1957-61)

Vice President of United Nations General Assembly (1959)

Acting Secretary-General of United Nations (1961)

Secretary-General of United Nations (1961)