

# Dag Hammarskjöld and the United Nations

## A Dynamic Approach to International Law and Cooperation under the UN Charter<sup>1</sup>

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*At a time when the present Secretary-General of the United Nations is on his way out, and when the discussions on who should be his successor are in full swing, it could be appropriate also to reflect on UN history. This presentation will deal with the second Secretary-General of the United Nations, Dag Hammarskjöld. He was in office from 1953 until his premature death in 1961.*

*Dag Hammarskjöld has obviously gone down in history as an inspiring international personality, injecting a dose of moral leadership and personal integrity into a world of power politics. He succeeded the Norwegian Trygve Lie as Secretary-General in April 1953, in the midst of the Cold War. In addition to East-West rivalry he was confronted with Third World problems and the agonizing birth of the new Republic of Congo, a tumultuous crisis, during which he lost his life in the Ndola air crash of September 1961.*

### 1 Background and personal philosophy.

Dag Hammarskjöld had a flexible and dynamic approach to international law and cooperation. On the one hand, he strongly relied on the principles of the UN Charter, on the other, he used a flexible and balanced *ad hoc* technique, taking into account values and policy factors whenever possible, to resolve concrete problems. Hammarskjöld was inclined to express basic principles in terms of opposing tendencies, stressing for example that the observance of human rights was balanced by the concept of non-intervention, or the concept of intervention by national sovereignty, and recognizing that principles and precepts could not provide automatic answers in concrete cases. Rather, such norms would serve “as criteria which had to be weighed and balanced in order to achieve a rational solution of the particular problem”.<sup>2</sup> Very often it worked.

<sup>1</sup> Texten grundar sig på ett föredrag hållet av författaren på svenska ambassaden i Tokyo den 1 april 2016 inom ramen för ett seminarium om Hammarskjöld och FN anordnat av ambassaden.

<sup>2</sup> Oscar Schachter, “Dag Hammarskjöld and the Relation of Law to Politics”, 56 *American Journal of International Law (AJIL)* 1962, pp. 2–5. Quotation from p. 5. Hammarskjöld recognized that there was a tension between principles and concrete needs; by taking account of both, he sought to achieve (in his own words) “that combination of steadfastness of purpose and flexibility of approach which

He was born in 1905 in Jönköping, the fourth son of Hjalmar Hammarskjöld, President of a Court of Appeal and a member of the Swedish Government. During most of World War I Dag's father served as Prime Minister of Sweden and pursued the traditional Swedish policy of neutrality.

Dag's elder brother Åke became a member of the League of Nations secretariat and was Registrar of the Permanent Court of International Justice in The Hague. Åke Hammarskjöld was appointed judge of the Permanent Court in 1936, but died prematurely the following year.

Hammarskjöld was influenced by his family's legal background and he had an academic training in both law and economics. After some time at the Ministry of Finance he was in 1947 appointed to a leading function in the Ministry for Foreign Affairs. During this time he founded his belief that it was of manifest importance to have an impartial civil service, and he later worked hard to realize the goal of an independent international civil service as Secretary-General of the United Nations.<sup>3</sup>

In 1947 and 1948 Hammarskjöld participated in the conferences in Paris on the Marshall Plan and on the structure of European Economic Cooperation. During these negotiations fellow diplomats discovered his technical and analytical gifts and his talent for finding compromises to complicated problems.

In 1951 he joined the Swedish cabinet as (a non-political) Minister and became, in effect, Deputy Foreign Minister, dealing with economic cooperation. This was his position when he, in the spring of 1953, was approached for the function of Secretary-General of the United Nations.

Hammarskjöld's personal philosophy would play an important role during his time as Secretary-General. He had a very close relationship to his religious mother Agnes, and from her he inherited a simple wish to "do good" in concrete cases. Already as a young man he was interested in medieval religious philosophers. What these thinkers had in common was a focus on meditation and seclusion, a stress on the importance of a man's inner life in relation to God in preparation for individual choices and individual action. Hammarskjöld was through his life attracted to this personal approach to moral decision-making. It also connected to the societal values of 'duty' and 'responsibility' conveyed by his father.<sup>4</sup> Thus, while the wish to 'do good'

alone can guarantee that the possibilities which we are exploring will have been tested to the full". *Ibid.*

<sup>3</sup> Monica Bouman, *Dag Hammarskjöld, Citizen of the World*, Ten Have, Kampen 2005, p. 26. Bouman also points out that at the same time as Hammarskjöld was Under-Secretary of the Ministry of Finance his brother Bo was Secretary of State for Social Affairs. "It is said that together the two brothers were responsible for working out all the financial and technical details of the Swedish Welfare State." *Ibid.*

<sup>4</sup> Gustaf Aulén, *Dag Hammarskjöld's White Book, An Analysis of Markings*, Fortress Press, Philadelphia 1969, p. 14.

seems to be inherited from his mother, it has been said that the ideals ‘duty, righteousness and self-less service’ were inherited from the Swedish paternal “*ämbetsmanna*” tradition.<sup>5</sup>

After Hammarskjöld’s death, the manuscript of a diary was found in his New York apartment. Together with it was a letter addressed to a Swedish friend and diplomat, where Hammarskjöld described the text “as a sort of *white book* concerning my negotiations with myself — and with God.”<sup>6</sup> The diary was published in Sweden in 1963. An English translation was published in 1964 under the title of *Markings*.<sup>7</sup> The entries do not tell us anything about Hammarskjöld ‘on the job’ as Secretary-General, but they tell us something about his thinking on values and personal guidelines.

He embraced the ethics of Albert Schweitzer, the ideals of service to man. He saw the appointment as Secretary-General as a chance to be of real service to the international community.

## 2 In the United Nations

Not long after Hammarskjöld’s appointment as Secretary-General in 1953 it was already becoming clear that he had an innovative approach to the possibilities of the United Nations. He was not a formalist, he wanted to go forward and act in line with the purposes of the UN Charter. The purposes of the Charter were fixed and binding, but the working methods of the Organization must be flexible and innovative. He did not want to feel fettered by concrete provisions of the Charter that did not explicitly provide for things he wanted to do, options he wanted to test in his capacity as Secretary-General. If he felt that the purposes of the UN made it possible, he would envision a mandate flowing from the Charter to act in accordance with his conscience as an international civil servant.

Hammarskjöld set out his views on the role of the UN Organization and his approach to the UN Charter in the Annual reports to the General Assembly. In this context he developed a doctrine on the independence of the international civil servant, including an active role for the Secretary-General under an expansive interpretation of Articles 97–100 of the Charter. He introduced new mechanisms for a UN presence in conflict areas, for example the appointment of Special Representatives of the Secretary General (SRSG:s).

He did not make a very sharp distinction between law and politics. Nor did he look upon international law as mainly “written law”, but emphasized “the whole international pattern of rules and behavior”.<sup>8</sup>

<sup>5</sup> *Ibid.*

<sup>6</sup> The letter is rendered on the introductory page in Dag Hammarskjöld, *Markings* (translated from the Swedish by Leif Sjöberg & W. H. Auden), Alfred A. Knopf, New York 1964.

<sup>7</sup> *Ibid.*

<sup>8</sup> Wilder Foot (Ed.), *The Servant of Peace, A Selection of Speeches and Statements of Dag Hammarskjöld* (hereinafter referred to as *Speeches*), The Bodley Head, London 1962, p. 242. The quoted words may indicate an intellectual link to Myres McDou-

Already before the international lawyer Wolfgang Friedman had introduced the distinction between the traditional “law of coexistence” and the more dynamic “law of cooperation” Hammarskjöld embraced the same idea. The world, in his view, was slowly moving into the more advanced law of cooperation, which included supranational decision-making.

During his time as Secretary-General (1953–61) Hammarskjöld set forth a number of general themes regarding the role of the UN, but he did not articulate specific doctrines on human rights or UN intervention. Nevertheless, as we shall see, he developed new *methods* for the functioning of the system of collective security, and he was a forerunner in the field of what today is called human security.

One of Hammarskjöld’s first tasks as Secretary-General was to negotiate, in the aftermath of the Korean War, the release of American pilots taken prisoners by China. In this context he felt the support of the wisdom of the Jewish philosopher Martin Buber. Buber stressed the importance of human dialogue and Hammarskjöld’s visit to Beijing in January 1955 was marked by fruitful intellectual dialogue with Chinese Premier Chou En-lai. The chemistry between the two men made the conversation sparkle. Later the same year the US airmen were released. The release coincided with Chou En-lai’s personal congratulations to the Secretary-General on his 50<sup>th</sup> birthday. Hammarskjöld is famous for having coined the concepts of preventive and quiet diplomacy, but in this case it was more a matter of personal diplomacy.

### 3 The introduction of peacekeeping

Hammarskjöld is best known for his innovative approach to the UN Charter. The first example here is the matter of peacekeeping, which was not, and still is not, mentioned in the Charter.

Hammarskjöld elaborated the new concept during the Suez crisis of 1956. As the Security Council was blocked by a joint British and French veto the Secretary-General had to rely on the General Assembly. As a procedural mechanism he used the Uniting for Peace resolution of 1950 to summon an extra Emergency Session of the Assembly. Together with the Canadian External Affairs Minister, Lester Pearson, he thereafter introduced the option of a UN mandated military peace operation in the conflict area, with the consent of the parties to the conflict. On 7 November 1956, the General Assembly adopted a resolution that launched the first peacekeeping operation in UN history, the UN Emergency Force in the Middle East (UNEF).

Although UN observer missions had been fielded in 1948 and 1949, the deployment of *armed troops* to assist in the implementation of the Charter and the New Haven school, but at the same time as Hammarskjöld was guided by universal “policies and goals” (including the concept of human dignity), he nevertheless gave priority to the legal elements over the political ones in the decision-making process. Cf. Schachter, *supra* note 1, p. 2.

of agreements reached between the UN and parties to a conflict added a new dimension to international relations. To govern these operations Hammarskjöld laid down three principles: (1) consent from the territorial state and other parties involved; (2) impartiality on the UN side to secure credibility in the operation; and (3) non-use of force by the UN side, unless in individual self-defense or collective mission defense.

Over the years it became clear that the Security Council should be the UN body to decide on all forms of UN peace operations, not only with regard to peace *enforcement*, but also with regard to cooperative peacekeeping.

When UNEF was established Hammarskjöld considered it a new departure. "It is", he said, "certainly not contrary to the Charter, but is in a certain sense outside the explicit terms of the Charter".

Thus peacekeeping operations, PKOs, were not foreseen under either Chapter VI or VII of the Charter, but fell somewhere in between, and not surprisingly the unwritten Chapter VI ½ has been suggested as their legal basis.

#### **4 The admission of Japan to the United Nations**

In December 1956 Japan was admitted as new member of the United Nations. First the Security Council, on 12 December, adopted a resolution recommending Japan for membership, and then, on 18 December, during the morning session, the General Assembly unanimously adopted a resolution to this effect. The president of the General Assembly, prince Waithayakon of Thailand, sitting next to Dag Hammarskjöld, thereafter stated the following:

It is with particular pleasure that I welcome the representative of a great Asian nation, Japan, who will now share our common efforts in promoting world peace and fundamental human rights . . . Japan and the Japanese people are well qualified by their national strength to make a great contribution to the work of the United Nations. They have developed their ancient culture into the modern civilization of an industrial Power, and they are thus in a position to play an important part in promoting social progress . . . and in furthering the maintenance of international peace and security.

Mr. Shigemitsu of Japan later thanked the President for his welcoming words. He noted that Japan first applied for membership "nearly five years ago". It had been a long and anxious wait. He thanked all those friendly States that had, during the years, so ardently supported the admission of his country. And he added:

Let me also tender our heartfelt thanks to the Secretary-General, who has steadfastly supported our cause with his great wisdom, from which we have benefitted enormously.

In July 1958, during the Lebanon crisis, Hammarskjöld could build on a Japanese Draft Security Council Resolution (vetoed by the Soviet Union) to strengthen the presence of UN Observers in Lebanon and solve the crisis.

### 5 Hammarskjöld on idealism and realism

Dag Hammarskjöld was appointed Secretary-General five years after the political scientist Hans Morgenthau had published his influential realist opus *Politics among Nations*. In a speech in 1956 Hammarskjöld had reason to comment on the divide between idealism and realism. Assertions that the UN had failed were often misleading, he said. Rather “we” are the ones who have failed the ideas of the Charter, or have not remedied the flaws of the UN institutions. And he concluded:

This is a difficult lesson for both idealists and realists, though for different reasons. I suppose that, just as the first temptation of the realist is the illusion of cynicism, so the first temptation of the idealist is the illusion of Utopia.<sup>9</sup>

Hammarskjöld was an idealist in the sense that he believed in the purposes and principles of the UN Charter and in the possibilities of the UN Organization. At the same time, he was a realist in the sense that he did not want to stretch the potential capacities of the Organization too much if member states were not ready for it. For example, he opposed the idea of a standing UN military force, because he felt it was politically premature in view of the strong feelings related to national sovereignty, and also because he felt it was impractical to have a ready-made military unit standing by, when it was much better to tailor a unit to the specific demands of an impending situation.<sup>10</sup>

Hammarskjöld often used a dynamic and evolutionary approach to the system of the UN Charter, repeatedly arguing that although the objectives and rules of the Charter were binding, the working methods of the system could be supplemented by new procedures. As he put it in 1959:

As is well known, such an evolution has in fact taken place, and it has . . . been recognized that . . . new procedures may be developed when they prove productive in practice for . . . the objectives of the Charter. In this respect, the United Nations, as a living organism, has the necessary scope for a continuous adaptation of its . . . [system] to the needs [of the international community].<sup>11</sup>

<sup>9</sup> “An International Administrative Service”, from an address to the International Law Association at McGill University, Montreal, 30 May, 1956. See Wilder Foote, *Speeches* (1962), p. 116.

<sup>10</sup> Brian Urquhart, *Hammarskjöld*, The Bodley Head, London/Sydney/Toronto 1973, p. 230.

<sup>11</sup> From the Introduction to the Annual Report of the Secretary-General on the Activities of the Organization 1958–59, 22 August, 1959. Wilder Foot, *Speeches* (1962), p. 223.

This organic approach was in line with his views on the Uniting for Peace resolution and the establishment of UNEF. But Hammarskjöld developed it further into a dynamic conception of the UN Organization.

The dynamic approach of Hammarskjöld was stressed by his collaborator in the UN Secretariat, Ralph Bunche. Bunche indicated in a speech in 1964 that Hammarskjöld consciously strove to make the UN a progressive force for human advancement. Wherever there was a conflict situation, actual or threatening, he believed the UN should actively seek to contain or avert it:

[B]y quiet diplomacy when the circumstances permitted, in the form of good offices if the parties themselves demonstrated an inability to deal with the situation; and, if necessary by overt United Nations action.

Bunch added that Hammarskjöld saw clearly that the UN “must do more than hold meetings and talk and adopt resolutions”.<sup>12</sup> Hammarskjöld himself said at a press conference in early 1959, that the UN simply must respond to those demands that might be placed upon it. If those demands would go beyond the “present capacity”, that must not in itself be a reason to exclude action. The capacity of the UN could prove to be greater than expected. He referred to the Organization as a machine, thrusting its way through the terrain of international politics. He said:

I do not know the exact capacity of this machine. It did take the very steep hill of Suez; it may take other and even steeper hills.<sup>13</sup>

With regard to the protection of *human rights* Hammarskjöld said at one point that behind the Universal Declaration of Human Rights “we find literally thousands of people who directly or indirectly participated actively in its drafting”.<sup>14</sup> He thereby implied a long historical process and that the norms of the Universal Declaration were *not* mainly a contribution of the West.

With regard to the principle of *collective security* Hammarskjöld was prone to relate the matter of peace efforts to the other objectives of the Charter. Not surprisingly, he then used a contextual approach. In his view, peace was not solid without human rights, and human rights could not be fully realized unless peace was at hand.<sup>15</sup>

In similar vein he also saw the creation of the UN as something going beyond the exclusive interests of states and governments. In 1958 he made the point that a global cooperative project — a universal

<sup>12</sup> Ralph J. Bunche, “The United Nations Operation in the Congo”, in Cordier and Foote (1965), p. 121 f.

<sup>13</sup> Quotation by Lester B. Pearson in Cordier & Foote (1965), p. 100.

<sup>14</sup> “The International Significance of the Bill of Rights”, Address at Celebration of the 180th Anniversary of the Virginia Declaration of Rights 1776–1956, Williamsburg, Virginia, 14 May 1956. Wilder Foote, *Speeches* (1962), p. 106.

<sup>15</sup> Address in New York, 10 April 1957. Wilder Foote, *Speeches* (1962), p. 127.

body — was not a new idea. The UN Organization was a body for collective efforts established after centuries of human struggle. He said:

It is the logical and natural development from lines of thought and aspiration going far back into all corners of the earth since a few men first began to think about the decency and dignity of other men.<sup>16</sup>

The choice of emphasis on “men” instead of “states”, and on “dignity” instead of security, is perhaps telling about how Hammarskjöld regarded the objectives of the UN Charter. Collective security included human dignity. Or, as we would express it today, collective security is not only state security but also human security. The interests of the international society of states could and should not differ from the interests of mankind.

### **6 The issue of UN humanitarian intervention in peace operations, a “responsibility to protect”**

When the political situation in the Republic of Congo deteriorated in the summer of 1960 a UN peace operation was launched, ONUC. In August there were tribal massacres in the province of Kasai. Hundreds of Balubas were killed by Government soldiers. Villages had been pillaged and burned and their inhabitants, including children, killed simply for the reason of their ethnicity.

Hammarskjöld made clear to his associates that the UN could not stand aside and remain passive in what he called “a case of incipient genocide”. He indicated that the Central Government had to accept this responsibility of the UN.

True, the Kasai situation was a delicate one for the UN to interfere in, against the background of an unclear mandate and the non-intervention principle of Article 2(7) of the Charter. But, on the other hand, Hammarskjöld concluded in a cable to his emissary in Leopoldville:

Prohibition against intervention in internal conflicts cannot be considered to apply to senseless slaughter of civilians or fighting arising from tribal hostilities.<sup>17</sup>

He authorized the interposing of UN troops, using force if necessary, to stop the massacres.<sup>18</sup> As it happened, in the beginning of September 1960, the situation calmed down and there was no need to act upon these instructions.

<sup>16</sup> “The Uses of Private Diplomacy”, Address in the Houses of Parliament, London, 2 April 1958. Wilder Foote, *Speeches* (1962), p. 174.

<sup>17</sup> Unpublished statement quoted by Brian Urquhart in *Hammarskjöld* (1973), p. 438.

<sup>18</sup> *Ibid.*, p. 438.

In reporting to the Security Council on 9 September Hammarskjöld referred to the Kasai atrocities as international crimes. He stated:

They involve a most flagrant violation of elementary human rights and have the characteristics of the crime of genocide since they appear to be directed towards the extermination of a specific ethnic group, the Balubas.<sup>19</sup>

Hammarskjöld did not at this point ask for an extended ONUC mandate to deal with the humanitarian threats. His moral gut reaction was that it was not necessary. In his report to the General Assembly he stated:

You try to save a drowning man without prior authorization.<sup>20</sup>

### **7 The Soviet attempt to get rid of Hammarskjöld**

The Assembly session of 1960 was the one when the Soviet leader Nikita Khrushchev may have pounded the desk with his shoe. In a speech on 3 October he attacked the Secretary-General, called him an agent of imperialist countries, urged him to show courage and resign and leave place for a *troika* of three Secretary-Generals. However, Hammarskjöld felt the support of the majority of member states. Later the same day he gave his reply. The Assembly hall was packed and delegates listened attentively in complete silence. Let me quote the following from his speech:

I said the other day that I would not wish to continue to serve as Secretary-General one day longer than such continued service was . . . in the best interest of the Organization. The [Soviet] statement this morning seems to indicate that the Soviet Union finds it impossible to work with the present Secretary-General. This may seem to provide a strong reason why I should resign. However, the Soviet Union has also made it clear that, if the present Secretary-General were to resign now, they would not wish to elect a new . . . [one] but insist on an arrangement which . . . would make it impossible to maintain an effective executive. By resigning, I would therefore . . . throw the Organization to the winds. I have no right to do so because I have a responsibility to all those states . . . for which the Organization is of decisive importance, a responsibility which overrides all other considerations [*here an ovation broke out which lasted a full minute*].

He continued:

It is not the Soviet Union or, indeed, any other big powers who need the United Nations for their protection; it is all the others. In this sense the Organization is first of all *their* Organization . . . I shall remain in my post [*at this point he was interrupted by another ovation which he tried to stop by holding up his hands*].

<sup>19</sup> *Security Council Official Records*, 896th Meeting, 9 September 1960, para 101.

<sup>20</sup> Statement on UN Operations in Congo before the General Assembly, 17 October 1960.

He started again:

I shall remain in my post . . . as a servant of the Organization in the interests of all those other nations, as long as *they* wish me to do so. . . . [T]he representative of the Soviet Union spoke of courage. It is very easy to resign; it is not so easy to stay on. It is very easy to bow to the wish of a big power. It is another matter to resist. . . . I have done so before . . . I shall now do so again.

When he had finished, the Assembly rose to its feet with a roar of approval and applause that lasted for several minutes — according to the account of Brian Urquhart in his biography of Hammarskjöld.

## 8 The Legacy of Hammarskjöld

Hammarskjöld's policy related instinct during the Kasai massacres, indicating a "UN responsibility to protect", did not leave an imprint in the peacekeeping discourse during the Cold War. It is noteworthy, though, that the principle of protecting civilians during peace operations has been brought into the present millennium by the Brahimi report (2000)<sup>21</sup> and through the broader concept of Responsibility to Protect (2005), going beyond peace-keeping.<sup>22</sup> Hammarskjöld's instinctive approach to the matter has come to stay and is now codified in the peacekeeping doctrine of the United Nations.<sup>23</sup>

The future of the UN Organization lies, as always in the case of Inter-Governmental Organizations, in the hands of Member States. Political will is essential, as is international leadership. As to political will, Hammarskjöld did not expect it to surface in multilaterally negotiated documents, he saw it develop through precedents created by a responsible international leadership. Thus the Hammarskjöld approach to the UN and international law was not to rely on drawn out political compromise, but on *ad hoc* arrangements responding to urgent and concrete needs in line with the purposes of the UN. He believed that a just and reliable world order had to rely on precedents (state practice) made possible through political acquiescence.

Hammarskjöld's contribution to international law, beyond his value based decision-making and his innovative and flexible use of the Charter, lies in this evolutionary feature. He realized that a progressive development of international law could not be achieved exclu-

<sup>21</sup> Report of the Panel on United Nations Peace Operations, chaired by Ambassador Lakhdar Brahimi (Algeria), transmitted to the Secretary-General on 17 August 2000. UN Doc. A/55/305-S/2000/809.

<sup>22</sup> General Assembly Resolution 60/1, World Summit Outcome Document (2005), paras 138-139.

<sup>23</sup> Report of the Secretary-General, Implementation of the Recommendations of the Special Committee on Peacekeeping Operations, UN Doc. A/60/640 (2005). Cf. my earlier article "Dag Hammarskjöld and the Issue of Humanitarian Intervention" in Jarna Petman & Jan Klabbers (Eds.), *Nordic Cosmopolitanism, Essays in International Law for Martti Koskenniemi*, Martinus Nijhoff, Leiden/Boston 2003, pp. 485-518.

sively through multilateral treaty-making, but that, in addition, an element of *development through practice* would be needed. However, development through precedents presumes that those international actors that are prepared to take the lead, can inspire confidence in their initiatives vis-à-vis the rest of the international community. Hammarskjöld had this gift of inspiring confidence.

### **9 The new investigation into the death of Hammarskjöld**

The name of Dag Hammarskjöld is topical today, not only due to his inspirational leadership, but due to the unclear circumstances of his death.

On 17 September, 1961, Hammarskjöld was flying from Leopoldville, Congo, to Ndola, Northern Rhodesia, to meet with the Katanga leader Moïse Tshombe. The intention was to mediate in the Katanga crisis. At ten minutes after midnight, Hammarskjöld's plane, the Transair DC6 *Albertina*, informed the Ndola control tower that the airfield lights were in sight. The aircraft passed the airfield to turn around and start its landing approach from the west. The tower never saw or heard from the plane again. About three minutes later, the *Albertina*, after having turned and started its descent, brushed the treetops and cut a swath through the forest. The left wing touched the ground, the aircraft cartwheeled and was transformed into a mass of flame.

In the control tower nothing was known about this. Everyone was waiting in vain for the plane to land. At last Lord Alport, the British High Commissioner in Rhodesia, who was present in the tower, uttered the famous words that the Secretary-General must have decided "to go elsewhere". Alport's conclusion was that everyone could leave, whereupon the airport manager closed down the airport. It took four hours after daybreak to start a search and it took fifteen hours to find the missing aircraft.

The General Assembly set up a Commission of Investigation into the circumstances of the crash. Evidence was analyzed and the wreckage of the plane examined. The possible causes were sabotage, attack from air or ground, material failure, and/or human failure. The UN Commission submitted its report in April 1962, but reached no firm conclusion as to the cause of the crash. There was no evidence of foul play, but this possibility could not be excluded.

Decades later Dr. Susan Williams of London University published her book *Who killed Hammarskjöld?* (2011). Through its new evidence Williams' book inspired the setting up of an independent commission of jurists. The report of this commission, the Hammarskjöld Commission, was published in September 2013. The Commission concluded that the United Nations would be justified in reopening its 1961–62 inquiry into the cause of the Ndola crash. Possible evidence included

recorded cockpit conversations, monitored, recorded and archived by the US National Security Agency (NSA).

In December 2014 the General Assembly adopted Resolution 69/246 authorizing the Secretary-General to appoint an Independent Panel of Experts to examine all the evidence and report back to him. In November 2015 the General Assembly adopted Resolution 70/11 welcoming the progress of the Independent Panel of Experts. At the same time the General Assembly recognized that further investigations would be necessary to finally establish the facts of the matter. The memory of Dag Hammarskjöld would be well served by a conclusion on this issue.