

**Evolution of the Office of the
Secretary General of the United Nations**

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CONTENTS

	Page
Preface	1-111
Introduction	1-4
Chapter I Charter Conception of the Office	4-23
Chapter II Formative Years	23-34
Chapter III Secretary-General and Crisis Diplomacy	35-56
Chapter IV Troika Challenge and Its response	57-69
Chapter V Conclusion	70-80
Appendices	81-91
Bibliography	92-104

PREFACE

In the work of the UN and consequently in the international relations, an important part is played by the Secretary General of the United Nations. His personal authority not only inspires and directs the action of his subordinates but also to some extent imposes itself on governments. It is he who stands for the institution in the eyes of the world, who must give it a sense of mission and yet must keep its activities within the bounds of constitutional propriety.

This study deals with the evolution of the Office of the Secretary General of the United Nations and the influence of its incumbent on the process taking place when the international organization becomes involved in issues relating to the maintenance of peace and security.

The object of the study is to trace the emergence of concepts of the Office of the United Nations Secretary General over the past 27 years as a result of the personal qualities and initiatives of its three occupants.

In the introductory part, I have introduced the subject and raised several questions which has formed the subject-matter of the study.

The first chapter discusses the Charter conception of the Office of the Secretary General and how it was an improvement on the League, as it endowed the incumbent with more political powers in the maintenance of peace and

security.

The second chapter discusses the role of the first incumbent Trygve Lie, in the formative years of the Office and how he developed the political potentiality of the Office.

The third chapter discusses the role of Dag Hammarskjold and his efforts to strengthen the office of the Secretary General of the United Nations in terms of political initiative undertaken by him.

The fourth chapter discusses the role of U Thant in different crises and reveals the fact that his administration has served a period of consolidation for the Office.

In the concluding part, I have discussed the legacy left behind by the three Secretaries-General. The role of the present incumbent, Dr Kurt Waldheim, who took over the Office hardly two years back, has also been touched upon, but briefly. Besides this, in this chapter the limitations of the Office of the Secretary General and the future have been assessed.

I am deeply indebted to my supervisor, Dr K.P. Saxena, whose guidance and valuable suggestions have enabled me the completion of this dissertation. I express my thanks to all my friends and well-wishers whose encouragement sustained me throughout. I am also deeply

obliged and express my gratitude to the staff of the libraries of the Indian Council of World Affairs, School of International Studies, and to Mr D.K. Bose of the United Nations Information Centre, who very graciously and competently assisted me in the tedious task of locating and securing scarce documents.

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INTRODUCTION

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The establishment, in 1920, of ^a world organization whose primary purpose was the maintenance of peace among nations, marked one of the great watersheds in the history of international relations. National policies were to be subjected to the terms and processes of global institutions and world order sought through co-operative relationship designed, in part, by the new League of Nations. One of the crucial segments of the League system was the international Secretariat, a permanent body of officials devoted to no single national policy, but working for the interests of the League itself, as envisaged by the decisions of its Council and Assembly. At the head of the Secretariat stood its Secretary General, the world community's first "chief executive and administrative head of the International Staff".¹ A glance through the history of the League and United Nations for the past fifty years would reveal that the Office of the Secretary General became the hob-nob of international political activities.

During the quarter of a century since its inception, the United Nations has become more than its predecessor, an established feature of the international scene. Its early aspirations have not been fulfilled, yet it has had a definite, if not wholly tangible, impact on the conduct of

¹ Arthur W. Rovine, The First Fifty Years: The General in World Politics, 1920-1970 (New York, 1970), p. 9.

inter-state relations. In this development, one significant factor inter alia, has been an increasingly important role of the UN Secretary General.

The first incumbent of the office, Eric Dummond, acted as "a shy, modest...Secretary of a Committee".² But the later evolution of the Office of the Secretary General has brought considerable political leadership. He has often been referred as "Mr U.N." and one concrete expression of that symbolic reference could be identified when for the first time, the UN Secretary General (Kurt Waldheim), attended the Paris Peace Conference on Vietnam (April 1973) in his capacity as the representative of the United Nations.

✓ It is said that since the United Nations lacks executive powers, its influence vests exclusively on moral authority in implementing the resolutions of the principal organs. Moral authority, of course, is not without deep significance even though it cannot be said that there is such a thing as consistent conscience on the issues of principles that come before the UN. (Whatever is the attitude of some of the big powers which want to make the United Nations an instrument of their global policies, the Secretary General can greatly strengthen the moral authority of the World Organization by the way he runs its affairs.³)

2 Stephen M. Schwebell, The Secretary General of the United Nations (Cambridge, Mass., 1952), p. 6.

3 U Thant, "Role of the Secretary General", Portfolio for Peace (New York), 1968, p. 3.

From the inception of the UN and in particular since mid-nineteen fifties the UN Secretary General has been playing a predominant part in UN efforts to resolve international crises. Even in the case of Vietnam crisis which had, for various reasons, conspicuously remained outside the United Nations direct concern, the Secretary General, U Thant did try to fulfil, through public pronouncements, the role of a spokesman of world interest.

While the incumbents of the Office through the last 27 years or so have largely drawn admiration for the performance of their duties, on several occasions for varying grounds they have been subjected to severe criticism by one power or the other. (The Soviet Union's denunciation of Trygve Lie's role in the Korean War eventually led to his resignation.) A more serious threat to the future of the Office was posed with the attack of the Soviet bloc on Dag Hammarskjold and its proposal for a "Troika" to replace the Secretary General.

Several questions suggest themselves for this study. What exactly was the role assigned to the Secretary General by the framers of the Charter? How the Office of the Secretary General has evolved during the last 27 years? What is the potentiality of this Office? Within what limits should the Secretary General exercise his political initiative? Can he effectively intervene in times of crises and conflicts among nations and further ensure peace? What follows

is an attempt to find answers to these and related questions. The focus, however, is on the Secretary General's political role. His performance, in regard to the day-to-day functioning of the UN Secretariat, has been touched upon only to the extent as it influences his role as a peace-maker.

Chapter I

CHARTER CONCEPTION OF THE OFFICE

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In conceptualizing the Office of the Secretary General, as in other matters, the framers of the Charter were largely influenced by the experience of the League of Nations. Indeed, it was in the League that the concept of an international civil service, responsible only to the international organization as a whole, not to any government, was first put into practice.

The League covenant while providing for, "a permanent Secretariat", with a Secretary General as its head envisaged only a tenuous political role for the office. He was to act as a Secretary at all meetings of the Assembly and of the Council.¹

These provisions left little scope for political initiative and a dynamic role for the Secretary General, but then it very much depended on how the incumbent took his office. Eric Drummond the first incumbent (1920-33) was a very eminent British civil servant, "a shy modest man, terrified of speeches", he conceived of his job, as that of an administrator.² He avoided public stands on political questions. He did not participate in debates on political issues in the League Council, and the Assembly. Eric,

1 See League Covenant, Article 6, Article 11, Clause I, Article 15, Clause I.

2 Stephen M. Schwebel, The Secretary General of the United Nation (Cambridge, Mass., 1952), p. 5.

✓ however, made a great contribution in building and developing the traditions of an international civil service independent of political pressure from national governments.

✓ The UN Charter extended due recognition to this desirable character of the Secretariat by its Article 100, something which was ignored by the League Covenant.

✓ The approach of Joseph Avenol of France, the second incumbent (1933-1940) is less easily defined. In public posture he appeared no bolder than Drummond. His influence ✓ as a diplomat if any declined with the deteriorating sway of the League.

A word may be added about the first Director General of the I.L.O., Albert Thomas. The functions and responsibility assigned to him were similar to that of the Secretary General of the League. He, however, developed his office into one of great political leadership.³

It is difficult to say whether or not Albert Thomas would have been successful in exercising the same political role, had he been the Secretary General of the League. The I.L.O. as a specialized agency concerned with a limited sphere of social problems has been different in character and function from the League. Nevertheless, the extraordinary political initiative and leadership which Albert Thomas and his successors built up as Directors of the I.L.O.

3 E.J. Phelan, Yes and Albert Thomas (New York, 1949), pp. 38-39.

provides a demonstration of the potentialities of a chief executive of an international organization.

Thus, at the San Francisco Conference (1945), the framers of the Charter had two distinct concepts before them--one, the concept of an essentially non-political, primarily administrative head of an international Secretariat associated with the name of Eric Drummond, two the concept of political leadership as has been understood and espoused by Albert Thomas. What emerged from the San Francisco Conference in terms of the Office of the Secretary General seemed to have been a Secretary General more than Eric, but certainly less than, Albert Thomas.

During the period when plans for a future world organization were taking shape, the United States, the most influential of the Powers, sponsoring the creation of the United Nations had agreed that a permanent Office of the post-war international Security Organization should be endowed with specific political prerogatives.⁴ The Dumbarton Oaks negotiations regarding the Secretary General were in accordance with the spirit of the United States thinking. The results of the tentative recommendations emerging from the two series of the Three Power talks, were to be largely contained in what came to be Chapter XV of the Charter.

The role of the Secretary General was not a central issue at San Francisco. The late Field Marshal Smuts noted

⁴ Schwebel, n. 2, p. 17.

that it was agreed that the office...should be of the highest importance and for this reason a large measure of initiative was expressly conferred.⁵ The relative ease of reaching such an agreement is indicated by the fact that the fundamentals of the crucial Article 99 were hardly debated at all though its great significance was of course recognized. The four ⁶ sponsoring Powers offered several amendments regarding the mode of appointment, tenure and Deputy Secretaries General, on the whole restrictive of the Secretary General's powers. These were largely resented by the small Powers. There was some sentiment among the smaller states for further argumenting the Secretary General's political power; here, however, the Dubarton Oaks suggestions emerged more or less intact. All in all, the five articles of Chapter XV, entitled "The Secretariat, were framed but with moderate wear and tear and voted through with the backing of a substantial majority.⁶

In its functioning envisaged by him as a non-partisan chief of an international Secretariat, and his manner of appointment, the UN Secretary General is very similar to its predecessor in the League. However, in substance and political potentiality it differs as a son may from his father.

✓ The Charter had given the Office of the Secretary General political responsibilities in the promotion and

5 Field Marshal Ian Christan Smuts, quoted in *ibid.*

6 They were unanimously adopted by Commission, see UN Conference International Documents, vol. 6, p. 173, Minutes of the 4th Meeting.

preservation of peace that the Secretary General of the League of Nations did not possess. In the exercise of these responsibilities the Secretary General of the United Nations must use his influence, not for the interest of any nation or group of nations but for the interest of the organization as a whole. Thus, the Charter brought to the conduct of international affairs something unknown in the world before. (The person appointed to this office function as a symbol of collections, struggle for peace and project himself as the spokesman for universal interest, over-riding regional or national interests in the Councils of Nations.) The Secretary General of the League of Nations was far too retiring. The Covenant gave him little basis for political activity. (In contrast the Secretary General of the United Nations could emerge as a bold leader of international thought and action, and an international figure stimulating the Member States to rise above their nationalistic dispositions.) The national delegations tend to look at problems from the nationalistic point of view. They are traditionally accustomed to see the international interests in terms of their national interest, but a solution to an international problem is more than a sum of national positions which the delegations advance, and the Secretary General is unequally placed to perceive these higher international solutions and propound them, if he so wishes.

Relevant Charter Provisions

✓ In analysing the Charter concept of the Secretary General it should be noted at the outset, that Article 7 of the Charter treats the Secretariat as one of the principal organs of the UN and establishes its existence on a plane of equality with the other principal organs. Its reference only to the Secretariat and not to the Secretary General seems to imply a legal distinction which has little practical significance, since the Secretary General is the principal officer of the Secretariat and bears responsibilities for its activities, it is actually he who acts as a principal organ.

The provisions could be regarded as an important basis for the development of the Office of the Secretary General since it elevates an international official to the eminence given to deliberative bodies made up of representatives of sovereign states.

✓ Article 97 of the Charter provides that the Secretary General shall be appointed by the General Assembly on the recommendation of the Security Council. The use of the word "appointed" instead of "elected" is intended to emphasize the administrative character of his duties.⁷ For the recommendation of a candidate to the General Assembly by the

7 Goodrich, Charter of the United Nations (London, 1949), 2nd edn., p. 491.

8

Security Council, an affirmative vote of 9 members including the concurring vote of five permanent members is required; in other words, anyone of the five may prevent the nomination of a particular candidate. In the General Assembly, a simple majority of the members of that body present and voting is sufficient to appoint the nominee of the Security Council.

The same rules apply to the renewal of the tenure as to the original appointment. The General Assembly may reject a candidate recommended to it by the Security Council, but if the Assembly does so, it cannot appoint a Secretary General of its own choice. It must avail of a new recommendation from the Security Council.

The Preparatory Commission had recommended that "it would be desirable for the Security Council to prefer one candidate only for the consideration of the General Assembly, and that the debate on the nomination in the General Assembly should be avoided."⁹ The Preparatory Commission also observed that both nomination and appointment should be discussed at

8 The amendment of Article 27 of the Charter was adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of Security Council.

✓ 9 Report of Preparatory Commission of the UN, Doc. Pv/20, p. 86.

private meetings and that a vote, in either the Security Council or ^{the} General Assembly, if taken, should be by secret ballot. These recommendations were approved by the General Assembly and are followed in actual practice.

The Charter specifies no tenure of office. It is all to the good, since it enables the organization to fit the Secretary General's tenure to its needs and experience. However, some definition of a tenure is necessary to establish his independence of the policies of member states, particularly if the Secretary General is to undertake a measure of political activity. The five year term proposed by the Preparatory Commission and adopted by the Assembly provided the necessary definition of tenure. The requirement that the Secretary General should receive a new franchise for the continued exercise of his leadership after five years seems entirely consistent with the premise that he should be a strong executive and that he should be more than a neutral and an impartial civil servant.¹⁰

The terms of appointments are open to criticism on grounds of two possible errors of omissions. There is no provision for removal of a Secretary General who might prove unfaithful to his oath, incompetent or insane. There is no provision for resolving the deadlock even if the permanent members of the Security Council are unable to agree upon a nominee.

10 Goodrich, n. 7, p. 491.

The principal functions of the Secretary General of the United Nations either implicitly or by inference were grouped under six headings by the Preparatory Commission; General, administrative and executive functions, technical functions, financial functions, the organization and administration of the Secretariat, representational and political functions. Many of the functions assigned to the Secretary General by the Charter or by other organs of the UN are delegated to the members of his staff but the Secretary General is to direct and supervise the work of the Secretariat and assume full responsibility for them all.

Article 97 of the Charter, states that the Secretary General is the Chief Administrative Officer of the United Nations. As such, he is the channel of communication between the members and the United Nations or any of its organs and he is responsible for the preparation of work of the various organs and for the implementation of their decision in co-operation with members.

Finally, he must integrate the activities of the whole complex of the United Nations' organs and see that the organization functions effectively and in accordance with the expressed wishes of the deliberative organs.

The administrative supremacy foreshadowed by the first sentence of Article 97 and elaborated in Article 98 and 101, is thus affirmed. This Supreme Administrative position in itself carries a modest political potency. The

normal work of The Secretariat, under the Secretary General's ultimate direction, for example, in preparing the documentation, the draft reports, the summaries and the working papers, which constitute much of the frame of reference within which the delegates take decisions, inevitably exercises an indirect influence. As the report of the Preparatory Commission puts it, "while the responsibility for the framing and adoption of agreed international policies rests with the organs, the essential task of preparing the ground for those decisions and of executing them in co-operation with the members will devolve largely upon the Secretariat. The manner in which the Secretariat performs these tasks will largely determine the degree in which the objectives of the Charter will be realized".¹¹ Similar examples of the political side of the Secretary General's administrative personality can be cited almost without number.

~~The~~ The broad range of functions envisaged of the Secretary General are described in Article 98. He is to act in his capacity as Secretary General in all meetings of the General Assembly, Security Council, Trusteeship Council (TC) and Economic and Social Council (ECOSOC). He shall perform such other functions as are entrusted to him by these organs. The Article further enjoins him to make an annual report to the General Assembly on the work of the organization. The

11 Preparatory Commission Report, n. 9.

provisions that, "the Secretary General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council", is precise in so far as it specifies, "all meetings". Article 98 is further, "unambiguous in protecting him [the Secretary General] against the rise of rival Secretaries General attached to the several councils...[it confirms] the fact of his single leadership and of the unity of the Secretariat's functions under his direction".¹² But what is less clear is what capacity is, "that capacity in which the Secretary General shall act." Literally, the phrase would seem to depend upon the sentence which immediately precedes it in the Charter: The Secretary General shall be "the Chief Administrative Officer of the organization" but however, by the terms of Article 99, it is clear that he is more than the Chief Administrative Officer.

The last clause of the first sentence of Article 98 adds that, in addition to acting in his capacity in the Assembly and the Councils, the Secretary General, "shall perform such other functions as are entrusted to him by these organs". The sense of this is clear; and, indeed, other functions have been bestowed upon the Secretary General. He has, for example, been designated as a potential rapporteur, that is to say, mediator by the Security Council.

12 United Nations Secretariat, UN Studies 4, Carnegie Edowment for International Peace (1950), p. 175.

The last sentence of Article 98 confers on the Secretary General the obligation to make an annual report to the General Assembly on the work of the organization. The practice of the League of Nations was for the Secretary General to report annually to the Assembly on all aspects of the League's work. The annual report was of the greatest value in that it provided the General Assembly with the factual basis for an intelligent discussion and review of the work of the League.

Article 99 of the Charter of the United Nations, provides that "The Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security". This was described by the Preparatory Commission of the United Nations as endowing the Secretary General with quite a special right which goes beyond any power previously¹³ accorded to the head of an international organization".

This power under Article 99 far exceeds the power granted to the Secretary General of the League of Nations, who had only the right to call a meeting of the Council when asked to do so by a member. The Secretary General's lack of express authority in the Covenant was given emphasis by the attitude of the holders of the post who confined their political initiative to private behind-the-scenes activity.¹⁴ Before

13 Preparatory Commission Report, n. 9, p. 87.

14 ✓ "The Origins and Development of Article 99 of the Charter", British Year Book of International Law, vol. 28, 1951, p. 372.

Dumbarton Oaks proposals for international organization in the American, British and Chinese Governments had all favoured a provision along the lines of Article 99 as a useful remedy for this defect in the League's procedure. ✓

It should be recalled that early drafts for a Charter in 1943 as prepared by the United States' State Department, provided that the "the General Secretary act as a permanent non-voting Chairman of the Executive Council with independent authority to summon the Council, to bring before it any threat to peace, and appeal directly to the parties concerned."¹⁵ ✓ During the period when it was contemplated that the new organization would have both a "president" - an elder statesman of the calibre of Roosevelt or Churchill - and a "Director General" the political and administrative functions were not clearly separated.¹⁶ The idea of a president of the organization was abandoned by the Department of State, and the American "Tentative Proposals" prepared for the Dumbarton Oaks consultation among the great Powers speak only of a "Director General" who was to act as the Chief Administrative Officer, as "Secretary General" for

15 Draft Constitution of International Organization, Articles 4 and 10, in post-war Foreign Policy Preparation 1939-1945 (US, Department of State Publication, 3580, General Foreign Policy Series) (1949), pp. 472, 474 and 478.

16 Ruth B. Russell and Muther, The History of the United Nations Charter (Washington, 1958), pp. 373-75.

other organs and as Co-ordinating Officer with the specialized agencies.¹⁷

// It was China and Great Britain who proposed at Dumbarton Oaks the privilege of the Secretary General to bring before the Security Council any matter he considered a threat to peace - "evidently as a result of the wide-spread criticism of the League system, which has allowed only a member state to bring an alleged threat before the Council and thus has hampered its speedy convening to deal with a threat to peace".¹⁸ The United States and the Soviet Union had no objections to what was agreed to be "a very useful procedure when no member of the organization wishes to take the initiative."¹⁹

Surprisingly there was hardly any debate on the important Article 99 at San Francisco, but the Conference refused to accept three proposals which were designed to broaden the Secretary General's authority under that Article.²⁰ The fact that one of these proposals was defeated by a narrow

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- 17 (United States) Tentative Proposals for a General International Organization, Chapter X, in Post-war Foreign Policy Preparation 1939-1945 (US, Department of State Publication, 1949), p. 595, at p. 605.
- 18 Russell and Muther, n. 16, p. 432.
- 19 Great Britain, A Commentary on the Dumbarton Oaks Proposals for the Establishment of a General International Organization, p. 11. For Secretariat provisions, see Chapter X, Dumbarton Oaks Proposals.
- 20 "Future Role of UN Secretary General", American Journal of International Law, vol. 56, 1962, p. 16.

vote was viewed by one scholar as a "renewed demonstration of the desire widespread at San Francisco to invest the Secretary General with substantial political authority."²¹

The simple language of Article 99 becomes complex when it must serve as a guide to action, for when it is invoked the Article would mean that the Secretary General on his own responsibility could make a judgement on what is certain to be an involved political situation. The Article was designed precisely for such situations, as an alternative to a complaint by a member Government to the Security Council. Its language is somewhat different from that relating to a complaint by a member Government. Article 99 speaks of any matter, "not exclusively of a dispute" or "situation". This could be interpreted as having a broader scope than the language setting conditions under which a member might bring a question to the Council. But the variance in language has produced no important practical results, for governments which have felt free to bring to the Council, affairs which have little direct relation to the idea of a "dispute or situation", affecting international peace.²²

The Security Council is the only body that figures in Article 99. The Secretary General's right to bring matters

21 Schewebel, n. 2, p. 21.

22 Leon Gordenkar, The Secretary General in the Maintenance of Peace and Security (New York, 1967), p. 138.

of peace and war before the Council, "is largely explicable by the founders' expectation that it would be that organ which would handle the life and death matters of UN business".²³ Article 99 exists primarily for use in a crisis. To decide to use it, represents an initiative, not the execution of a plan approved by another organ. In parliamentary terms, the Secretary General in this situation acts as a minister not as a "civil servant".²⁴ The Secretary General to use his power with maximum effectiveness must take a convincing case, or present evidence that the matter to which he is calling attention has sufficient serious content to engage so solemn an organ as the Security Council. He must be highly informed in order to do so.

The use to Article 99 does not determine the outcome of a possible involved political process.²⁵ It could either lead to the determination that there has been a breach of peace under Article 39 of the Charter and to provisional measures or to enforcement action under Chapter VII or it might lead to conciliatory steps under Chapter VI, or to nowhere at all. Because of the possibility of a determination that a breach of peace has occurred, the direct

23 H.G. Nicholas, The United Nations as a Political Institution (London, 1971), 4th edn., p. 156.

24 Gordenkar, n. 22.

25 Arthur L. Burns and Nina Heathcote, Peace Keeping by United Nations Forces from Suez to Congo (New York, 1963), pp. 24-25, 162-66.



interests of the great Powers are automatically engaged. Whatever the estimates of the Secretary General may be, the permanent members of the Security Council have the ultimate burden of responding to his initiative,

A prudent and politically minded Secretary General might avoid invoking Article 99 whenever possible, thus staying clear of responsibility for putting the Council into a deadlock position; or else he might consult carefully with the members of the Council to get their reaction to the invocation of Article 99. A confident and bold Secretary General might make his own estimate of the Council's response and deliberately use Article 99 as the first step in leading the members to a policy. Thus, whatever his decisions in regard to Article 99 the Secretary General faces a difficult and delicate set of problems. Article 99 perhaps is more important as the prime and unmistakable affirmation of the true character of the Office of the Secretary General. The power it confers, taken together with his strategic world position as the chief permanent officer of the United Nations, and as the individual who "more than anyone else...stands for the United Nations as a whole",²⁶ constitutes, particularly when blended with Article 98, the legal base for the Secretary General's political personality. The discretionary nature of Article 99 as has been pointed out, allows



the Secretary General to attribute much of his extensive diplomatic activity to the spirit of the Charter's text.²⁷

The fact that his authority under Article 99 extends to the "reporting of any developments - for example, in the economic or social field - which in his view could have serious implications remediable only by political action" gives the Secretary General the character of a "vital link" between the Security Council and other organs of the organization.²⁸ Article 99, furthermore, may be called into play as the authorizing clause of declarations, opinions, proposals and resolutions which the Secretary General may wish to offer in connection with the Security Council's work.

Finally Article 99 supplies the Secretary General with a spring board for a dramatic appeal to world public opinion fully comparable to that provided in the case of the General Assembly by the annual report provision of Article 98.²⁹

Thus, Article 99 has flavoured and fortified the whole of the Secretary General's political endeavour. Article 99 has set the tone of the Office of the Secretary General, it has provided the constitutional base for a varied and significant political activity.

Whatever the potentiality, in political terms, of ▽

27 British Year Book of International Law, n. 14, p. 379.

28 Schwebel, n. 2, p. 24.

29 Ibid., p. 26.

Article 99, and other responsibilities and functions assigned to the Secretary General his most important job is to maintain the neutral and non-partisan character of his office and his staff. Unless he does so, the effectiveness of his office would be seriously compromised. As the report of the Preparatory Commission stated, "if it is to enjoy the confidence of all the members the Secretariat must be truly international in character"³⁰. It implies, as Article 100 of the Charter lays down, in the first place, that the Secretary General and members of the staff should not seek or receive instructions from any Government or Authority outside the organization. Secondly, that the Secretary General and the members of his staff should not commit any action which may reflect on their position as international officials, responsible only to the organization.

In concluding the analysis of the Charter provisions regarding the Office of the Secretary General, mention should be made of Article 101 which further established the Secretary General as Head of the Secretariat under regulations established by the General Assembly. Whether in terms of administration, finance or political responsibilities, the founding fathers at San Francisco constructed an office of a Secretary General much like Drummond's model but with enhanced and more meaningful tasks in international relations.

Indeed, as noted, in Article 7 of the new Charter, the Secretariat (for which legal scholars and later Dag Hammarskjöld read Secretary General) is listed as one of the principle organs of the UN. The Charter was intended as a constitutional type document and of course everything depended upon its construction, which in turn would depend necessarily on the relationships among the world community particularly the great powers. The instrument was there as was agreed for the establishment of a chief executive serving the interest of the international community and with powers unknown in the history of Nations.

Report of the Preparatory Commission

In understanding the role of the Secretary General within the UN system, and as envisaged by the Charter, the report of the Preparatory Commission approved by the General Assembly should also be taken into account. This report not only elaborated the Charter provisions but also laid down the Rules of Procedure of the four deliberative organs - The General Assembly, Security Council, the Economic and Social Council and the Trusteeship Council - which expanded the role of the Secretary General, in as much as that rules of procedure of each of the three organs provided for a position of the Secretary General equivalent to, and in some ways much more than, a representative of a sovereign state. The Secretary General could propose items for the agenda, and could participate in the discussion, like any other member on all items, of course, without a right to vote.

Chapter II

FORMATIVE YEARS

Chapter II

FORMATIVE YEARS

"The Secretary General must be a diplomat...a politically minded man and he must understand his duty to keep the organization together... He must be ready to compromise and at the same time he must never lose sight of the Charter's ideals... It is an impossible job".

- Trygve Lie

The way the Office of the Secretary General was to evolve considerably depended like other public office, on the personality of its incumbent and the political climate in which he was to perform his responsibilities.

The first incumbent, Trygve Lie, unlike his predecessors in the League, had been a politician-cum-diplomat rather than a civil servant. Before he took office he had already become, to a degree, a contentious personality.¹ He was as his public performance demonstrates and his memoirs confirm a very ardent and passionate man who could never be contended to stay behind the scenes (as Eric did).

1 Lie was a losing candidate for the first presidency of the UN General Assembly. (He lost to Paul H. Spaak of Belgium by a narrow margin). He had also participated in the San Francisco Conference, as the leader of the Norwegian delegation. Before that, he had been active in European politics as an underground (socialist) leader against German Nazism. As such being already in the limelight of international politics, Lie, unlike his predecessor such as Eric and also his two successors - Dag Hammarskjöld and U Thant, was already a political figure in international politics invoking for or against opinion regarding himself.

His enthusiasm and initiatives considerably helped to establish the political nature of the office.

At the start of his administration, Secretary General Lie, had no precise notion of how his role should be developed, nor a theory of the Office and its relationship with member nations and other organs of the United Nations. He wanted to expand upon Eric Drummond's administrative conception, but he was very much aware of the limitations imposed upon his office by the realities of world politics and the weakness of international organization. As he stated later, "it was clearly not the intention of the Charter that the limited concept of the office which Eric evolved in the League should be perpetuated in the United Nations".² It is perhaps true that he naturally under-estimated the potential inherent in the office, for, he spoke of the Secretary-General as a symbol of the international spirit and his strategic position at the centre of international affairs vested him with a moral rather than physical power.

Lie believed that the Secretary General had an important tool of political action by which he can influence broad public opinion. He applied the "concept of a spokesman for the world interests",³ to his activities in office, and Schewebel speaks of him as the voice of an 'international

2 Trygve Lie, In the Cause of Peace (New York, 1954), pp. 40-41.

3 Ibid., p. 88.

synthesis'.⁴ The tone of his speeches, accorded with this concept. His first annual report departed from the League precedent by including a brief personal statement of his own views as a spokesman, "for the United Nations as a whole".⁵ The first step led in subsequent years to further development of his "introduction" into major statements of policy and assessments of the desired role of the United Nations in world affairs.

Since the inception of the United Nations, Lie, took upon himself the task of bridging the gulf between the East and the West in his attempt to receive great power cooperation. The cold war introduced very serious additional difficulties for the Secretary General. Throughout his service, most of Trygve Lie's political initiatives were addressed in one way or another to this cold war situation. Lie writes "like the gust of wind warning of future storms to come, they blew in the close of a newly built house of peace before the workman had finished...."⁶

However, in the performance of his duties, Lie, it seems used his political position with more exuberance than

4 Stephen M. Schewebel, The Secretary General of the United Nations (Cambridge, Mass., 1952), p. 66.

5 Cordier and Foote, Public Papers of the Secretary Generals, Trygve Lie (New York, 1969), pp. 948-51.

6 Lie, n. 2, p. 35.

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 discretion. In almost every conflict that came before the United Nations, Lie got himself directly or indirectly involved, not as a negotiator or as a "go between" the East and West or as chief executant of the United Nations resolutions, but as a political leader supporting a particular stand and committing himself to one side. In the earlier months of the Security Council's life he advocated (unsuccessfully) the dropping of the Iranian question from the Council's agenda after the Soviet troops had left that country. He was active in support of partition of Palestine in 1947 and of action to stop Arab intervention in 1948, when Israel proclaimed itself a state. Lie's proposal for United Nations guard force encountered Russian hostility. The crisis caused by the Soviet Union's 1948 blockade of West Berlin was naturally not a matter in which the United Nations could play an important part, and indeed, the efforts of mediation of the organization and that of the Secretary General Lie were not particularly successful.

The Peace Mission and
 Chinese Representation

By the end of 1949 the United Nations had reached its

7 H.G. Nicholas, United Nations As A Political Institution (New York, 1971), 4th edn., p. 167.

8 In the final analysis, the conflict was settled by direct negotiations between the Superpowers, with an agreement reached quite apart from the diplomatic procedures of the UN and even without reference to the face saving devices forming the core of the world organization's recommendations, for peaceful settlement.

low ebb, in terms of influence and great power consensus. The cold war had greatly weakened the organization, as the essential security interests of the United States necessitated reliance upon regional military pacts, supplemented by a UN forum utilized for propaganda purposes. Notwithstanding a certain measure of success in the Balkans, Palestine, Kashmir and Indonesia, the UN was clearly falling into disrepute primarily because of its disuse by the Superpowers. Further, the communist take-over in China in October 1949 triggered a Soviet walkout from most UN bodies as a protest against continued representation of the Chinese Nationalist regime, and at the time, this move somewhat, accelerated the pace to destroy the struggling organization.

For a period of six hectic months, Secretary General Lie carried through what was to be his last serious attempt at bridging East-West differences. His famous "Peace Mission" and accompanying ten point memorandum (the bases of rather inconclusive negotiations in the Big Four Capitals) constituted a bold attempt to save the United Nations from collapse and to stem the tide of the cold war by broaching several areas of possible negotiation between the Soviet Union and United States. The effort was spectacular enough, although strategically unsound in some respects, and certainly an initiative that was far too little and too late. The simple encouragement by the Secretary General of the United Nations, was obviously insufficient to motivate Moscow

and Washington to negotiate their strategic and political differences, for the issues Lie raised with the great Powers were the problems of the cold war itself, rather than narrow questions upon which agreements were more likely. Lie was clearly aware, however, that serious East-West talks could not commence prior to a resolution on the issue of the Chinese representation, or in other words, until the West was willing to recognize the communist regime in Peking. While universality of membership constituted the fifth point of the ten point memorandum, the core issue was Peking's right to speak for China in the Council of Nations.

Immediately following the Soviet walkout in January 1950, Lie began an intensive campaign to seat the Peking regime, an effort consisting of several conversations with Security Council delegates in New York, the drafting of a legal memorandum,⁹ based on principles that would have assured China's seat to the Peking Government, and of course, a series of talks during his peace mission. The legal memorandum was simply an attempt to place neutral principles in the forefront, often an effective technique for making¹⁰ political settlement.

The Secretary General's peace mission in the spring of 1950 was, to be sure, an endeavour of greater significance

9 Doc. 3/1446.

10 Arthur W. Rovine, The First Fifty Years: The Secretary General in World Politics, 1920-1970 (New York, 1970), p. 230.

than the single issue of collective legitimization of China's new regime. On his tour of capitals of the Big Four the Secretary General presented and discussed his new famous "Memorandum of Points for consideration in the Development of a Twenty Year Program for Achieving Peace Through the United Nations",¹¹ being a list of ten critical areas in which the Secretary General perceived some chance of negotiation. None of the ten points were particularly original, but Lie was making an attempt to avert the worse excesses of the cold war and perhaps to preserve the World Organization.¹²

The purpose of the memorandum was Lie's attempt to end the cold war and to suggest means by which the principles of the Charter and the resources of the United Nations could be employed to moderate the present conflict and to enable a fresh start to be made towards eventual peaceful solutions of the outstanding problems.¹³ In this memorandum, he suggested periodic meetings of the Security Council, International System of Atomic Energy, UN Technical Assistance, limitations on the use of veto, assistance of specialized agencies etc.

11 The peace mission began with a speech by the Secretary General at a B'nai B'rith dinner in Washington, D.C. on 21 March 1950 in which he pleaded for serious negotiations between the great Powers to reduce tensions, and declared that "What we need, what the world needs, is a twenty-year program to win peace through United Nations".

12 Rovine, n. 10, p. 232.

13 United Nations Bulletin, vol. 8, 1950, p. 501.

The "peace mission" could not have been more poorly timed than when it was undertaken, but due to no fault of Lie's. The United States Government was negotiating to reararm France and England during early 1950 and therefore, a peace mission to Moscow did not mark well with a more "realistic approach".¹⁴ The Korean War broke out within three weeks after he returned.

Lie took a clear and strong line over Korea. Though it was American initiative which summoned an emergency meeting of the Security Council on June 25, it was Lie who first took the floor to label the North Koreans as aggressors and to certify that their action was "a threat to international peace".¹⁵

Trygve Lie's immediate stand in support of the so-called United Nations resistance shut the door against future efforts by the Secretary General at building bridges while he remained in office. It was unexpected of him to speak first on that Sunday afternoon of 25 June 1950 and before the Security Council had come to a decision. He had not

14 Richard Miller, Dag Hammarskiold Crisis and Diplomacy (New York, 1961), p. 5.

15 His statement was made when B.N. Rao before starting the deliberation of the Council asked Secretary General, if he had received any report from the United Nations Commission - Lie after speaking on the report proceeded to convey his own views.

done so on previous occasions. Even during the Palestinian problem, he had refrained from invoking Article 99.

The vigorous efforts by Lie to terminate the Korean conflict further antagonized the Soviet Union. Thus during the Korean war in Moscow's eyes he became the West's "fair haired boy".¹⁶

As his term approached its expiry in February 1951 the Soviet/^{Union} vetoed his re-nomination in the Security Council. The USSR insisted that, after February 1951, they would not recognize Lie as Secretary General. They insulted him personally and boycotted him socially and officially. Their conduct, however much it might be deplored, was effective in forcing even Lie's warmest supporters to realize that he was largely crippled in his endeavour as Secretary General to serve the full interests of the organization and to retain the confidence of all member states.

At the same time Lie's position was further weakened by developments on another front - attacks launched on his Secretariat from inside the United States. In 1952 the high tide of McCarthyite agitation having flooded Washington, began to lap at the base of the UN in New York. In November, a federal grand jury claimed to have found evidence of the 'infiltration into the UN of an overwhelmingly large group of disloyal United States citizens'. In fact, no American

16 Richard Miller, n. 14, p. 6.

member of the staff of the UN was, either then or later, even charged (much less convicted) by any American Court for espionage or subversion. The Secretary General, however, came under heavy fire from opposite sides - from those who, believing the charges, blamed him for having tolerated such a state of affairs and from those who, fearful for the international independence of the Secretariat blamed him for not putting up a firm stand against the American attacks.

The net result of all these pressures was that on 10 November 1952 Lie announced his intention to retire before the expiry of his extended term.

In sum, Trygve Lie's incumbency of the Office considerably developed the political potentiality of the office. At the same time his exuberance seriously undermined the usefulness and non-partisan character of the Office.

Chapter III

SECRETARY GENERAL AND CRISIS DIPLOMACY

Chapter III

SECRETARY GENERAL AND CRISIS DIPLOMACY

"The Secretary General's role is that of an instrument, a catalyst, an inspirer".

- Dag Hammarskjold

When Trygve Lie submitted his resignation, the Office of the Secretary General was already in a poor state. Some of the political initiatives taken by Lie had severely endangered the basic character of the office which, in Lie's own words, had become like a "political football".¹ Further, during the last year of his incumbency, the storm of "McCarthyism" in the United States had entered the very citadel of the United Nations Secretariat. Lie having entailed the Soviet wrath and having failed to build up support amongst the Third World countries was so dependent on United States support for his continuance in office, that he could not afford to resist the pressure of United States domestic policies. As such he found "nothing wrong"² in allowing FBI agents to enter the UN premises for finger printing and questioning the UN officials (of United States nationality). Scores of UN officials having US citizenship were dismissed by Lie on the recommendations of the FBI. Article 101 of the Charter had thus become merely a scrap paper.

1 Trygve Lie, In the Cause of Peace (New York, 1954), p. 375.

2 Ibid., p. 403.

Lie's resignation set in, a feverish activity among world diplomats, for the search of a new Secretary General. and After months of negotiations/suggestions of scores of names, the choice finally fell on a Swedish civil servant - Dag Hammarskjold. The new Secretary General took the oath of office on 10 April 1953. The choice was seemingly determined by the fact that in Dag Hammarskjold, the major powers found a quiet, uncontroversial "civil servant" type to succeed Lie. Indeed, in the person of Dag Hammarskjold of Sweden, the impression of withdrawal and retreat seemed at first to be substantiated.

Hammarskjold's training and temperament seemed well suited to the quiet and unobtrusive civil servant model of the Drummond era. However, early misgivings about Hammarskjold did not prove true. In fact, Hammarskjold not only maintained the political influence and initiative of the office, as contrued by Lie but expanded its role perhaps beyond the limits envisaged by the organization's founding fathers.

In one of his declarations as Secretary General Dag Hammarskjold said that no part of his task was "more challenging than one which consists in trying to develop all the potentialities of that unique diplomatic instrument which the Charter has created in the institution called the

Secretary General of the United Nations".³ Administration was only "a tool". This is "a political job" he held "and I am a political servant".⁴

Indeed, he did affirm the political responsibilities of his office at the very beginning of his incumbency; however he did so cryptically in phrases that could mean much or little. The Secretary General's job was to "listen, analyse and learn so that he will be able to give the right advice when the situation calls for it". Dag Hammarskjold was, perhaps, by far the most articulate of the incumbents in defining the proper role of the Office in world politics.

In his first year in the office, the task of restoring confidence in and within the Secretariat dominated his activities. He drafted a new set of staff regulations and got the General Assembly's approval for them. Under these regulations the international character of the Secretariat and freedom from national influence on its members was affirmed.

But it was not long before a purely political assignment fell on Hammarskjold. Towards the end of 1954, the General Assembly asked him to obtain the release of a number

3 Joseph P. Lash, "Dag Hammarskjold's Conception of the Office", International Organization, vol. 16, no. 3, Summer 1962, pp. 542-49.

4 A.M. Rosenthal's account of a talk with Secretary General in 1953. Published in New York Times, 19 September 1961.

of American airmen held in China since the Korean war and sentenced to long imprisonment for espionage. He immediately sent a message to the Chinese Prime Minister Chou En-lai proposing that he should go to Peking himself to talk the matter over. He returned in mid-January 1955, without any visible results but later that year the prisoners were set free and the USA Government officially credited him for having achieved this.⁵ The ostensible success in a venture of this sort was an outcome of a calculated risk when it was known that UN resolution requesting him to approach Peking, in the same breath, condemned the Chinese Communist behaviour as a breach of the Korean armistice obligations. This fact indeed revealed the Secretary General's diplomatic abilities. Gradually Hammarskjold took on the task of chief negotiator of the UN.

One of great pivotal point in the development of the office came in late 1956 and early 1957, when the organized international community once again turned to him for assistance in helping to resolve peacefully the protracted conflict in the Middle East. The Suez crisis marked the real turning point in Hammarskjold's world posture, or perhaps more precisely, the complex of events allowed his diplomatic skills to have a catalytic impact of much importance.⁶ He

5 For details see United Nations Year Book 1954, p. 30.

6 Richard I. Miller, Dag Hammarskjold and Crisis Diplomacy (New York, 1961), p. 93.

had been building the "margin of confidence slowly over his previous three years of office. The crisis did raise his stature considerably as a skilled diplomat devoted impartially to the cause of world peace.⁷

Until the Suez crisis, his addresses and statements on the UN had been in a rather conservative vein, differing little from his predecessors. And while he had insistently stressed the difference between his authority as an agent of the political organs, and his general scope for action under Article 99 of the Charter, this was never developed systematically and certainly not accompanied by any particular action except the Peking mission in 1955. Unlike his predecessors Hammarskjöld was subtle in handling matters. He made it a settled principle of conduct that whenever possible he should have authorization in a decision of the Assembly or the Security Council for any action undertaken by him, while at the same time couching his drafts and his public pronouncements in language whose sibyllic ambiguity both did justice to the complexity of the many-faceted interests he served and incidentally enhanced his own freedom of action.⁸

Thus, when in November 1956, the General Assembly had to cope with a situation in which two permanent members of

7 Ibid.

8 H.G. Nicholas, The United Nations as a Political Institution (New York, 1971), 4th edn., p. 173.

the Security Council, Britain and France, had taken the law into their own hands and by their vetoes blocked any remedial action by the Security Council, it was devolved on the Secretary General to adopt appropriate action. A proper understanding of his role could only be obtained by assessing it in the context of events, and the instances referred to already reveal how his initiative as well as his negotiating skill and administrative efficiency were vital to the functioning of the organization in this crisis. He was indispensable to the Assembly and the Assembly recognizing this, delegated authority to him, on a scale, which matched his burdens. The situation confronting him was one of a peculiar danger and delicacy.¹⁰ Not only were two Great Powers (and one minor one, Israel) at odds with the organization, a third permanent member of the Security Council, the USSR threatened to take unilateral action and thereby to expand the conflagration, at the same time a large range of membership, in particular the Arab League, was in a state of hypersensitiveness and quivering apprehension at what they regarded as 'a revival of colonialism'. A UN force was needed, to get Britain and France "off the hook" on which their ill-judged venture had landed them, to deprive the

9 See for details, Leon Gordenkar, The Secretary General and the Maintenance of Peace (New York, 1967), pp. 182-97.

10 Nicholas, n. 8, p. 174.

USSR of any grounds for military intervention and to keep Egypt and Israel away from each other's throats. Yet such a body was without precedent; in Soviet eyes it was even illegal, in Egyptian and Israeli eyes it could easily arouse the hostility which both the bruiser and the bruised feel for the man who stops the fight. Above all, to serve its purpose, it had to be created quickly.

It was in the night of 1-2 November that the idea of a United Nations Emergency Force was first hinted at, to an exhausted General Assembly and secured the encouragement of a number of delegations including that of United States. Late on 3-4 November the Assembly passed the necessary resolution, 57-0 but the abstention of Egypt and the whole Soviet bloc was disquieting. The resolution asked the Secretary General to produce within forty hours a plan for UNEF.

Early on 4th November Hammarskjold invited the representatives of Canada, Norway, Columbia and India to an informal planning meeting. They saw eye to eye on the establishment of a 'United Nations Command' to be headed by Canadian Major-General E.L.M. Burns, the United Nations official who was then Chief of Staff of the Truce Supervision Organization in Palestine. On 6 November Hammarskjold presented to the Assembly a report which was accepted by a vote of 64-0 within ¹¹ twenty four hours. The main points of political principle

11 For details see United Nations Year Book, 1957, p. 44.

were that UNEF should not be used as a means of exerting pressure on Egypt; it should enter Egyptian territory only with Egyptian consent; it should have no military objective or function but would be, in effect, a buffer force. To meet the costs of the force Hammarskjold suggested that each of the ten component countries should pay for equipment and salaries and that the other costs should be met by the United Nations through a special levy on all members. Finally, Hammarskjold suggested the appointment by the Assembly of a small Committee which should serve as an Advisory Committee to him throughout the whole operation.

The Assembly's 7th November resolution concluded, like its earlier ones with a sweeping delegation of powers to the Secretary General "to issue all regulations and instructions which may be essential to the effective functioning of the Force, following consultation with the Advisory Committee...and to take all necessary administrative and executive action." As soon as the resolution was passed, Hammarskjold formally notified Egypt of it. Trouble arose over the Egyptian refusal to have Canadian contingents in the UNEF. The full story of Hammarskjold's negotiations with all the parties involved has been made public, but enough is known to make it possible to infer that his diplomacy was the catalytic factor in producing a workable solution. On

23 November the Secretary General announced that Egypt had agreed to accept the Force. In fact it was two more days before he received a cable from Cairo which enabled him to order the UNEF into Egypt. He then himself flew to Cairo because understanding had still to be reached on questions about the composition and deployment of the Force and precise application of the broad principles laid down by the Assembly.

The Secretary General's negotiations for the status of Forces Agreement with Egypt was a remarkable demonstration of his new legal persona; the Assembly's continuing use of his services to report compliance with its resolutions about Anglo-French Israeli troop withdrawals constituted a singularly effective combination of political pressure and negotiating efforts. Throughout, the Assembly showed striking confidence in the Secretary General, and at the height of the crisis a fortnight elapsed, between 10 November and 23 November, without the Assembly giving any collective consideration to the Suez problem.

The success which was generally judged to have been accrued to the Secretary General for his handling of the 1956 crises undoubtedly, strengthened his position and this emboldened him to accept a more positive and public political role than his previous emphasis on 'quiet diplomacy'.

Upon his reappointment in 1957, he used the occasion to assess his past record and told the member governments that they could expect him to base his future actions on some

of the more bold concepts which underlay his work.¹³ The newly reappointed Secretary General described his position as exacting as well as deeply rewarding, and saw as a first reason for gratitude the privilege of working on terms of mutual confidence with all governments and their representatives in international co-operation.

Hammarskjold then enunciated a more positive conception of his office than he ever had done before. He remarked that basing his functions on the Charter, he felt secure and that even if these actions cut across national policies, they would not result in impaired confidence in his office. The Secretary General, he said, should not be asked to act unless guidance can be found either in the Charter or in a decision of a major organ. But within these limits, he said, it was the duty of the Secretary General to use his office and the machinery of the organization to the utmost "and to full extent permitted at each stage by practical circumstances".¹⁴

Beyond this mandate, Hammarskjold said, there was an independent role for the Office of Secretary General:

It is in keeping with the philosophy of the Charter that the Secretary General should be expected to act also without

13 For the text of his address, see GAOR, Twelfth Session, Plenary Meetings, pp. 174-75.

14 Gordenkar, n. 9, p. 75.

such guidance, should this appear in the system which the Charter and traditional diplomacy provide for the safeguarding of peace and security. 15

This statement marked the full flowering of a far-reaching conception of the Office of the Secretary General, whose incumbent would engage in high-level diplomacy and would be guided by the Charter and his personal conscience to work for the cause of peace. 16

Hammarskjöld gave the name "preventive diplomacy" to his new concept of activity by the Secretary General. 17 It comprises diplomatic action by the Secretary General or an authorized representative to forestall the worsening of international friction and to keep it off the agendas of other United Nations organs where it might become a cold war issue. It includes some of the many kinds of arrangements which have been lumped together under the heading of a "United Nations presence". 18

Because the Secretary General's "preventive diplomacy" relates to specific situations and is not the subject of

15 For the text of the address see n. 13.

16 Gordenkar, n. 9, p. 76.

17 See especially Introduction, Annual Report, 1960.

18 This term more often than not refers to the execution of instructions given to the Secretary General by another organ and not to his own diplomatic initiative. An example would be the establishment by the General Assembly of the United Nations Emergency Force and its instructions to Hammarskjöld to employ it.

instructions by the Security Council or the General Assembly, no single statement accurately defines it. But all approaches to a definition are based on the doctrine that the Secretary General has a generalized responsibility emanating from Article 99. In addition, the fact that he has been given vaguely defined administrative tasks of high political content which must be carried on the basis of personal interpretation of the terms of reference, has encouraged "preventive diplomacy".

The first two major mandates to test the capacity of the Secretary General to investigate and obscure international conflicts emerged during storms caused by Middle Eastern politics. The first of these tasks developed during the Hungarian revolution in the autumn of 1956, in the Suez crisis and the creation of UNEF. The second assignment concerned disorders in Lebanon in 1958, and were linked to the events two years earlier in Egypt by reason of dynamic qualities of Nasserism, the symbol of social revolution and modernization of the Arab world.

The Hungarian crisis of October 1956¹⁹ pointed out the fundamental weakness of the United Nations that in opposition to a great Power it cannot be effective. The developments regarding the Hungarian crisis revealed the limitations of the Office of the Secretary General.

¹⁹ See for details United Nations Year Book 1958, p. 67.

During the Lebanese crisis, Hammarskjold took a more active and visible role than even before, provoking a correspondents to refer to Hammarskjold's "not-so-quiet diplomacy".²⁰ In July 1958, when the Security Council was dead-locked over the crisis in Lebanon²¹ and Jordan,²² Hammarskjold intervened to say that despite the Council's failure to act, the UN's responsibility remained and he proposed to act in the capacity set out in his 'acceptance speech' and strengthen the UN observer group in Lebanon, although the USSR had just vetoed a Japanese proposal to that effect. In the assumption of a more conventional but still highly personal responsibility, the Secretary General took the lead when the continuing dispute was transferred to the emergency Assembly, and set forth at its opening session the plan which subsequently won the Assembly's unanimous approval. The form eventually adopted by the Assembly's resolution requested the Secretary General to make 'such practical arrangements as would adequately help in upholding the purposes and principles of the Charter...and thereby facilitate the early withdrawal of foreign troops'.²³

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- 20 Ahman Suen, "Mr. Hammarskjold's Not-So-Quiet Diplomacy", The Reporter, 4 September 1958.
- 21 See for details Gordenkar, n. 9, p. 210. Also United Nations Year Book 1958, p. 36.
- 22 Ibid., p. 217.
- 23 Nicholas, n. 8, p. 174.

The United Nations presence in Jordan was the first such operation established by the Secretary General without direct authorization from the General Assembly or Security Council. The presence in Jordan developed in the most pragmatic fashion and in accordance with Hammarskjold's fundamental belief that solutions should be fitted to situations rather than situations to solutions.

A series of specific developments, beginning in 1958, furnished the basis for Hammarskjold's theory of preventive diplomacy. The Secretary General's activities preceded any legal or theoretical justification of them as authorized under his "special right". They began when Thailand and Cambodia asked him to help settle a dispute involving the ownership of the temple of Preah Vihear.²⁴ Hammarskjold discussed the dispute separately with the representatives of two governments and consulted members of the Security Council. He was then invited, no doubt in part at least on his own suggestion, to send a representative to help them with the conciliation. He named Ambassador Johan Breck-Fris of Sweden as his special representative. The latter was eventually successful in easing the tension between the two governments to the extent that they resumed diplomatic relations.²⁵

The Secretary General's relations with Laos went on

24 Gordenkar, n. 9, p. 152.

25 Annual Report, 1959, p. 26.

after the Breck-Friis mission had ended. In the Thailand - Cambodia case, unlike that in Laos, there was no special examination by any deliberative organ of the United Nations.²⁶ In the Laos case, the Secretary General used his report as an opportunity to elaborate the idea of "preventive diplomacy", through the dispatch on his initiative of Personal Representatives. This and related aspects, Hammarskjold held, were within the intentions of Article 99.²⁷

In September 1959, when Laos alleged that foreign troops had infringed her border, it was the Secretary General who drew the attention of the Security Council to it. When, in defiance of a Soviet veto, a Security Council Sub-Committee visited Laos and reported somewhat indeterminately on the situation, it was the Secretary General himself who perpetuated^{the} UN 'presence' there, first by a personal visit despite Soviet disapproval and later by leaving behind Tuomioja, Executive Secretary of the ECE. Thus, Hammarskjold broke new ground in the application of rules of procedure and extended the implications of Article 99 when he reported to the Security Council on his dealings with the Government of Laos in 1959.

The Secretary General has invoked Article 99 of the Charter explicitly and deliberately only once. This occurred

26 Later the dispute on the ownership of the temples was brought to the International Court of Justice for adjudication.

27 Gordenkar, n. 9, p. 153.

at the beginning of the Congo case in July 1960, when Hammarskjold took the initiative after receiving two cables addressed to him from the government of the Republic of Congo.²⁸

Hammarskjold had been receiving a steady stream of information on events in the Congo. Earlier that year he made a trip to Africa to gain some political background. His original intention was to visit the Congo as part of a trip to South Africa in connection with the Security Council's resolution in response to the Sharpeville massacres. The Secretary General reinforced his display of interests in African affairs by sending Under Secretary Ralph Bunche to the Congo as his personal representative at the independence ceremonies of 30 June 1960. Bunche's mission involved making arrangements for technical assistance to the Congo, and he, therefore, had started to acquire knowledge of the situation within the Congolese government. His cables after the independence ceremonies began to warn of ominous possibilities. On July 11, it was reported that Premier Patrice Lumumba asked Bunche to arrange for the dispatch of military experts to help the reorganization of the Congolese army. Bunche replied that as much aid as the Charter would permit would be forthcoming.²⁹

28 Ibid., p. 139.

29 Joseph P. Lash, Custodian of Bish-Fire (New York, 1961), pp. 224-26. UN Doc. 5/4300, 1 April 1960, New York Times, 1 July 1960.

The first of the two cablegrams from President Joseph Kasavubu and Lumumba, dated July 12, asked for an urgent dispatch of military aid to the Congo because of aggression by Belgian troops sent into action after the revolt of the Armée Nationale Congolaise (ANC). The second cablegram came the next day. It clarified the first, making the point that aid was requested not to restore internal order but rather to protect Congolese territory against Belgian aggression. The military forces requested were to come only from neutral states, not from the United States or other great Powers.³⁰

The Congo crisis led Hammarskjöld to maintain from first to last a responsibility for UN action whatever the difficulties or hazards existing either in New York or in the Congo itself. As he himself said 'the Congo crisis...put the Secretariat under the heaviest strain which it had to face'.³¹ But on no one was the strain as heavy as on the Secretary General who had to operate simultaneously in administrative, military, diplomatic and political capacities.

At the outset, the initiative was his. It was he who requested the 13th July meeting of the Security Council, for the first time invoking explicitly and making full use of his powers under Article 99. He himself recommended the creation of what came to be known as the ONUC (from the French title

30 UN Doc. S/4382, 13 July 1960; UNORC, 873rd Meeting, p. 21.

31 Nicholas, n. 8, p. 179.

'Force de l' Organization des Nations Unies au Congo) and it was he who proposed that it should consist predominantly of troops from African states and should not contain any from the forces of the permanent members of the Security Council. Equally, explicitly he identified the presence of Belgian troops as a 'source of tension' and recommended their withdrawal. Not only did the Security Council accept these views, either explicitly or implicitly but the resolution which it passed gave him, as at Suez, a wide, loosely-worded mandate 'to provide...such military assistance as may be necessary' and 'to report as appropriate'.³³ The world situation changed during the Congo crisis and Hammarskjold's position grew more difficult. At a time when he became embroiled in two controversies over the Congo, the Soviet Union contended that he was not neutral and that the Secretary General should be replaced by a "Troika" representing the Communist bloc, the western group and the uncommitted nations. According to Khrushchev 'there can be neutral countries but no neutral men'.³⁴

This was even more a serious challenge to the United Nations than the attacks which nine years before Russia had launched at Trygve Lie. Now, as then, it was aimed at a man

32 Ibid.

33 For details, see United Nations Year Book 1961, p. 57.

34 Khrushchev's address in the General Assembly on 23 September 1960.

whose devotion to the Charter had made him anathema to a Great Power. But it was more than this. As Dag Hammarskjold said in his reply: "This is a question not of a man but of an institution... I would rather see that office [the Secretary-Generalship] break on strict adherence to the principle of independence, impartiality and objectivity than drift on the basis of compromise".³⁵ The 'Troika' proposal, as it soon came to be known would substitute for an independent, international Secretary General a 'triumverate' each of whom would owe loyalty to the bloc that elected him. It would make hay of Article 99 and 100 and would rob the United Nations of its most distinctive, dynamic and creative organ, reducing the Secretariat to the level of a service agency for a conference organization.

From this time onwards, the conduct of the Congo operation became inextricably bound up with the future of the Secretary Generalship. Replying to Khrushchev's further attack on 2 October, Dag Hammarskjold made it clear where he looked for support. 'By resigning I would ... throw the organization to the winds... It is not the Soviet Union or indeed any other big Powers who need the UN for their protection; it is all the others... I shall remain in my post in the interest of all those other nations as long as they wish me to do so.'³⁶

35 Wilder Foote, Dag Hammarskjold - Servant of Peace (New York, 1962), p. 316.

36 GAOR, 15 Session, 882nd Meeting, 3 October 1960.

Hammarskjold has thus permitted to continue his work in the Congo, but the Soviet attack had severely damaged his position. He became an object of great hostility for the Soviet Union, and other Communist bloc countries. The constraints under which he laboured grew worse in February 1961, when the Soviet Union officially withdrew its recognition of him as Secretary General immediately subsequent to the death of Premier Patrice Lumumba.³⁷ On the night of 17/18 September 1961 Dag Hammarskjold encountered death in the Congo. The death brought to a sudden end a significant phase in the evolution of the Office of the Secretary General.

In the person of Dag Hammarskjold the Office of the Secretary General rose to new heights and his performance made a deep impression on the pattern of activity of the world organization. It was unfortunate that the sequel of events in the Congo led to developments which caused serious threats to the office but that should not cloud one's vision and the permanent legacy that Hammarskjold had left behind for his successors to draw benefit.

Throughout, nearly eight and half years of his incumbency he stressed few themes of overriding importance. However, there are three basic concepts we now associate with Dag Hammarskjold. The first is the notion of "quiet diplomacy" essentially an appeal to the international community

37 Georges Langrod, The International Civil Service
(New York, 1968), p. 278.

to utilize the structure of the United Nations for private behind-the-scenes discussion of all outstanding issues. Despite Woodrow Wilson's "open covenants" Hammarskjold saw in global institutions a kind of structure that facilitated secret, and by implication fruitful negotiation. Public diplomacy had its part but the critical issues had to be worked out quietly. He was of course not the pioneer of "quiet diplomacy"; to a considerable extent, it had been in use in the UN before Dag Hammarskjold. To some degree Lie practised it but it was Hammarskjold who carried this operation as concept to the finest degree. Ambassadors and diplomats moved in and out of his office on the 38th floor with regularity whenever the United Nations was wrapped by a crisis. But to be a trusted confidant of the diplomats these private talks must remain private. Hammarskjold exercised his best discretion, for one slip from him might set back the confidence built over a long period. The study of some of the crisis present on the preceding pages bear complete testimony to the fact that it was through "quiet diplomacy" that some of the most critical situations were admirably managed to the extent of evolving appropriate solutions.

Secondly, Dag Hammarskjold has been generally credited with popularizing and practising the notion of "preventive diplomacy" or the idea that the essential justification of the existence of the UN in world politics, is its ability to

intervene quickly in local disputes, to minimize the chances of violent conflict, while simultaneously reducing the likelihood of Superpower intervention. Finally, Hammarskjold never missed an opportunity to strengthen his own office both in terms of political initiative undertaken by him on behalf of the United Nations' political organ.

Chapter IV

TROIKA CHALLENGE AND ITS RESPONSE

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TROIKA CHALLENGE AND ITS RESPONSE

"The Office of the Secretary General is a centre of political activity, not as a mere management post".

- Thant

In the autumn of 1961, the Office of the Secretary General was confronted with perhaps, the most serious threat to its future. The incumbent, Dag Hammarskjold had died in the night of the Congo in September 1961, the Congo problem was still in unmitigated crisis and the 'Troika' proposal was still hanging as a sword of Damocles over the Office of the Secretary General, when the search for the successor to Dag Hammarskjold was set in.

The ensuing deadlock over the choice for the new incumbent was ended, when U Thant was appointed as the acting Secretary General in November 1961, on the understanding that he would exercise the function of his Office in consultation with his senior colleagues in the Secretariat and that such adviser-colleagues would include an American as well as a Russian. In his acceptance speech to the General Assembly on 13th November 1961; he said, in part: "...it is my intention to

invite a limited number of persons who are at present Under Secretaries, or to be appointed as Under Secretaries to act as my principal advisers, on important questions pertaining to the performance of functions entrusted to the Secretary General by the United Nations Charter....

I intend to include among these advisers Ralph J. Bunche ¹ [U.S.] and Georgy Petrovit Arkadev [U.S.S.R.]².

The new arrangement, however, did not involve any formal erosion of the provisions of the Charter. The Secretary General's exclusive authority to appoint the staff remained unimpaired.

He was to consult his colleagues but at his discretion and in a manner that would seem appropriate to him and this did not derogate from his responsibilities under the Charter.² The principle that members of the staff, should be international officials and not regional or ideological representatives remained largely unimpaired. That the new Secretary General carried his responsibilities remarkably well was amply demonstrated by the fact that in 1962, he was unanimously elected for a full term and then again reflected in 1966.

1 Doc.SG/1060 of 3rd November 1961.

2 George Langrod, International Civil Service (New York, 1968), p. 283.

In taking up his duties on 3rd November 1961, the Acting Secretary General stated in the General Assembly that he intended to continue in his new capacity, the policy of "non-commitment" which was pursued by his own country and that he would continue to seek objectivity and universal friendship.

U Thant appointed Under Secretaries as agreed and consulted them individually on the most important problems. In so doing he faithfully carried out the agreement on the basis of which he had been appointed, at the risk of incurring the criticism that he was abandoning his predecessor's methods and taking a first step towards gradual transformation of the international secretariat into an inter-governmental organ.

Indeed, the most important single development during U Thant's ten years in office, has been the evolution of a satisfactory system of consultation and collaboration, at the top level of the Secretariat, and this without compromising in any way the unit of control and responsibility in the hands of one chief executive as envisaged in the Charter.

He followed the practice of pragmatic approach of Dag Hammarskjöld. In resolving the Congo crisis, he acted formally after having rightly sensed the course of action which the vast majority of the United Nations

membership of course, including the two super-powers wished him to undertake; pragmatism verging on expediency rather than any legal interpretation of his mandate guided him to a course of action which helped him to get out of the Congo labyrinth and in restoring the status quo to the Congo situation. The important thing is that United Nations action in Congo, under his guidance did succeed in preventing the situation from turning into a wider conflagration. That's role in the Congo crisis³ from 1961 to 1964 marked a key turning point for the development of the Office. At least for the foreseeable future the only possible repetition of a truly powerful role for the Secretary General in peace-keeping is a Congo-type case in which there is consensus among the great powers upon the establishment of peace-keeping operations, but dissent among them during the course of its operation. The alternatives would be its abandonment or immobilization or directives by the Secretary General as the Executive agent of a larger political body, such as the General Assembly. In such a case, the experience of the Secretary General will loom large as his role is very important.

3 See for details United Nations Year Books, 1961, 1962, 1963, pp. 57, 69 & 3 respectively.

Thant's role in the West Guinea crisis was marginal throughout. His functions were essentially the same, as those of the organization itself. The Secretary General was concerned not so much with the substance of the dispute (which had for most purposes been settled by the parties themselves). He was able to provide the forum for discussion and the means of international intervention and when necessary, the effort at mediation that accompanies almost every United Nations force in the field. The United Nations administration was too limited and of a short duration to permit any growth of independent power on the Secretariat officials or in the Secretary General but (UNTEA) United Nations Temporary Authority does stand as a precedent for future development in international administration and as such, is important in the history of the Office of the Secretary General.⁵

The pragmatic approach is used by U Thant again in the Cuban crisis.⁶ In this crisis the Secretary-General was useful as the centre of the UN diplomatic system.

4 For details see United Nations Year Book 1962, p. 124; also United Nations Year Book 1963, p. 44.

5 Arthur W. Rovine, The First Fifty Years of the Secretary General in World Politics 1920-1970 (New York, 1970), p. 362.

6 See for details United Nations Year Book 1962, p. 101.

During the entire crisis, Thant consulted with representatives of the United States, the Soviet Union, Cuba and other members of the organization. His initiatives were taken seriously and employed as items of negotiation. His good offices were used and Thant himself says "that the United Nations aided in averting a conflagration and provided an opportunity for dialogues between the disputants"⁷. The United States Assistant Secretary of State for International Organization, credits the Secretary General with serving "as a middleman in crucial parts of the dialogue between President Kennedy and Chairman Khrushchev which led to a peaceful solution."⁸ Yet, it is obvious, that the most important negotiations were carried on by the United States President and Soviet Chairman quite outside the purview of the Secretary-General.⁹

In the Yemen crisis, and Malaysian crisis of 1963¹⁰ the clear definition of the Secretary General's functions preceded operations. But this definition was achieved by the Secretary General himself in negotiating with the parties. Unlike the earlier actions, no action was taken

7 Introduction to the Annual Report of the Secretary General on the Work of the Organization, 1963, p. 1.

8 Leon Gordenkar, The UN Secretary General in the Maintenance of Peace (New York, 1967), p. 233.

9 For details U.N. Year Book, 1963, pp. 63 & 69.

10 Ibid., p. 41.

by deliberative organs to initiate the mission and whatever resolutions were adopted later, reflected the views of the Secretary-General. He kept his influence throughout the operations. He maintained full responsibility for managing the missions and had the unequivocal consent of the parties. The Yemeni and Malaysian incidents demonstrate that in special circumstances the Secretary-General can embark on observation and investigation missions without the authorization or explicit support of either the General Assembly or the Security Council. In such a case, his mission may become even more delicate, for while he attempts to aid the parties his first responsibility is still to his organization. His successes in observation must be susceptible of treatment as United Nations achievements. His errors or the results of unexpected developments can bring him under severe criticism.

During the Cyprus crisis,¹¹ U Thant observed a cautious approach. Acting within the terms of his mandate as he interpreted it, Thant appointed a mediator to attempt to harmonize the policies of the governments of Cyprus, Turkey and Greece. The Secretary-General attempted to

11 United Nations Chronicle, no. 1, May 1964, pp. 5-7; also see United Nations Year Book 1963, p. 50.

seize the initiative, before the uneasy truce in Cyprus broke irreparably and to stimulate talks among the governments. He formulated a programme, but in no respect attempted to use it as a means of intense pressure as he did with his plan for Katanga. These moves broadened the scope of the Secretary-General's involvement in Cyprus and contributed considerably to the maintenance of peace. A difficult negotiating assignment was given to the Secretary General as a result of the renewal of fighting between India and Pakistan in Kashmir in August and September 1965. The conflict reached the highest levels since 1948, it is from this time, that the United Nations had kept a cease-fire line under continuous observation. In this crisis, the Secretary General played an influential and effective part in setting a United Nations policy, in carrying out negotiations with the parties, and in creating conditions which contributed to the settlement in January 1966.

As the year 1966 opened, the last year of the Secretary-General's five year term, Thant repeatedly expressed his reluctance to make himself available for reappointment.

Thant gave the impression of being sincere but

12 Rovine, n. 5, pp. 386-93.

was unable to withstand the intense pressure to continue in office from almost the entire membership. "My feeling is", he declared, "that nobody should aspire to be Secretary General of the U.N. for more than one term. Knowing the functions of the office as I do, I think it is a very killing job, if I may say so, and from time to time it is a very frustrating job".¹³

The most stunning reverse for the UN's peace keeping role and capacities, and a failure that generated more adverse criticism of Secretary-General Thant than ever before, was the rapid withdrawal of the United Nations Emergency Force from the Middle East in 1967.¹⁴ This was one occasion when U Thant's performance was subjected to severe criticism in certain political circles. The criticism levelled against him remains a controversy but in a way his decision helped to prevent a critical confirmation to the United Nations which might have seriously jeopardized the future of United Nations Peace Keeping Operations.

One of the greatest frustrations for the United Nations and for its Secretary-General has been the war in Vietnam, for the combination in that country of a civil

13 Quoted in the New York Times, 30 April 1966, p. 1.

14 For details see U Thant, Portfolio for Peace (New York, 1970), p. 37.

conflict and external intervention has produced a large scale regional war and a grave threat to world peace.

Thant has attempted since 1963 to aid in opening negotiations among the parties to the Vietnam dispute.¹⁵ His efforts have for the most part been a secret employing of diplomatic channels, and a private network of acquaintances. Although they have been based on the theory that Thant as Secretary-General, can be separated from Thant as an individual, who perhaps could help; it is his official position and the political role connected with Article 99 of the Charter, which gives his activities their standing.

The scope of the Office of the Secretary General is limited in such activity, because he can do little to alter the terms of the situation with which he is working. He can move no armies, impose or lift no economic restrictions, instruct no administrators who can direct the action

15 The most authentic account now available of Thant's negotiations appears in Emmet John Hughes, "A Man for All Nations", Newsweek (New York), no. 24, December 12, 1966, pp. 40-41. For an example of his public pleas on Vietnam, see Statement of February 12, 1965, in United Nations Chronicle, vol. II, no. 3, March 1965, pp. 21-22. He described the general aims of his diplomatic probing in his press conference on January 20, 1966; see verbatim transcript. The context of his proposals as described in his statement of July 16, 1966, in United Nations Chronicle, vol. III, no. 8, August-Sept. 1966, pp. 32-33. See also Introduction, Annual Report, 1966, p. 13.

against civil population. He has only his diplomatic skills and political acumen and the goodwill of the parties to depend upon. Thant served as a primary channel for the organization's benefited effort in Vietnam.

In the Czechoslovakian crisis¹⁶ the Secretary-General used a cautious approach. However, he did not hesitate to criticize the USSR as he had not spared United States also. Thant's view of the United States involvement in Vietnam did not strain his relations with Washington, nor did Moscow react to his public denunciation of the Soviet occupation of Czechoslovakia in August 1968.

The years of Thant's administration have not been easy ones for the United Nations. The chronic conflict over finances has forced the Secretary-General all too often into the position of voluntary contributions for peace keeping operations.

The civil strife which erupted in East Pakistan in 1971¹⁷ was a matter of deep concern to Thant. In this crisis Thant acted in accordance with the interpretation of Article 99 as reinforced by this statement¹⁸ recently in his

16 See U.N. Monthly Chronicle, vol. 5, no. 8, August 1968, pp. 34 & 105. Also see United Nations Year Book, 1968, p. 258.

17 See for details United Nations Monthly Chronicle, vol. 9, no. 7, January 1972, pp. 73, 170.

18 In December 1966 when the Security Council requested Thant to continue as Secretary General the President

Memorandum to the President of the Council concerning the situation in East Pakistan and the adjacent Indian states.

Thant has built no theory of the Office as did Hammarskjold and has relied quite heavily on Hammarskjold's conception of the Secretary-General's role although this has been demonstrated not by performance, but through isolated pronouncements. The threatened resignation in 1966 presented an opportunity for comment on his position. "I have experienced increasing restrictions on the legitimate prerogatives of the Secretary-General."

Thus Thant insisted on the right of the Secretary General to engage in political activities. He also recognized that his practical possibilities depended on limited actual authority and power. Thant made it all the more clear that his powers should be exercised conservatively, not frittered on dramatic gestures but rather supported with hard work. Yet he declined any neutrality on moral issues and was attracted by the "moderate" concept, so hazily

(previous footnote contd.)

informed him that the members of the Council "fully respected the Secretary-General's position and his action in bringing issues confronting the organization and disturbing developments to their notice."

sketched by President Roosevelt during World War II. ¹⁹

In terms of developing the powers of his Office, Thant might have accomplished more in context of public pronouncements and attitude formation, and has gone farther than either Lie or Hammarskjold. His administration has served as a period of consolidation for the Office all the while maintaining excellent relations with the great powers as well as other sections of the United Nations membership.

19 Statement at Queen's University Kingston, May 27, 1965, U.N. Chronicle, vol. 11, no. 6, June 1965, p. 103. Address at the University of Denver, April 3, 1964, U.N. Press Release SG/SM/51.

Chapter V

CONCLUSION

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A review of the Secretary General's activity in world politics during the last 27 years, reveals a gradual development of his role in the work of the United Nations.

In the very first year of the United Nations operations, all the deliberative organs (the General Assembly, Economic and Social Council and others) through their respective rules of procedure, extended to the Secretary General the right to participate in their deliberations and to propose agenda items for their consideration. These provisions, over the years, have helped expand the Office of the Secretary General. Furthermore, the various assignments given to him by the Security Council and the General Assembly have significantly enlarged the Office.

The Secretary General is the only leading personality who is in a position to represent the United Nations continuously. The President of the Security Council changes from month to month. The President of the General Assembly changes from year to year and besides he is not ordinarily at the headquarters except when the Assembly is in session. The Economic and Social Council is not continuously in session. Thus, the Secretary General is the only top line official who represents the interests and activities of the United Nations and he, therefore, is the only one "to personify" the United Nations before the world. Thus, the Secretary General's Office has been a crucial factor in

bargaining and compromising procedures, that are the essence of the aggregation process. Many of the Secretary General's statements, speeches and reports are valuable as an accurate indication and barometer of acceptable formulation of the United Nations policy.

Furthermore, the Secretary General has at his command, a trained and experienced staff which is familiar with the structure, procedures and functioning of the organization. The representatives of member governments find it useful and convenient to rely on the Secretary General for guidance and their policies and actions are influenced thereby. If one envisages the expanding role for the United Nations, in the business of world affairs and more particularly for the General Assembly, the Secretary General and his staff are going to be an increasingly important factor in this growing influence. Experience has abundantly shown that international civil service and the Office of the Secretary General, in particular, is a unique instrument for ensuring the continuous and effective co-operation between modern states in every sphere, whether they have common or divergent interests. Though, there have been mistakes, failures and discouragements, the importance of the Office, is self-evident. It has become a centre of harmonizing the action of nations in the attainment of common end.

The Article 99 of the Charter has also enlarged the potential scope of the Secretary General's influence; the

'special right' of the Secretary General has evolved far beyond original expectation for it is an alternate means for engaging the Security Council in consideration of an international dispute or a situation which could become serious. It has been build up, so that now the Chief Executive Officer has an opportunity to attempt to influence, considerably, actions involving the maintenance of peace and security. Its elaboration and rationalization to explain its expansion, have furnished a firm base for the activities of the Secretary General.

The addition of Article 99, was of great assistance to Lie, in his attempt to fashion a meaningful place for the Office, particularly, in terms of speaking out on critical issues and in lending his prestige to one or the other of the demands and claims pressed by members of international community. Lie added a new dimension to the Drummond model, for not only, was he an active Secretary General as was Eric Drummond, but he successfully and rapidly established the practice of working publicly, as well as privately. The development of a meaningful discretionary authority, had to await a new international system in 1950s, a transfer of power from Security Council to the General Assembly and the opportunity for international peace-keeping operations.

Dag Hammarskjold was the only Secretary General, who

developed an explicit theory of his functions and his Charter interpretations were liberal. He relied only, in part, on Article 99 and gave a great deal of prominence to Article 7 and Article 98. He wanted to equate the Secretariat with the main political organs of the United Nations. By this, he constituted the change in rules and allowed the flexibility of manoeuvre unparalleled in the history of the Office, which made him a controversial figure. The same was manifested during the Congo crisis, when the acceptability of his Constitutional position, was nearly dissipated. In it, he met Soviet hostility, to whom, he did not appear a neutral man and an attack on the Office of the Secretary General was made by the 'Troika Plan'.

U Thant has been in a difficult position after Dag Hammarskjold. He formulated no theory of his own. Thant enlarged the scope of the Secretary General to speak out on various issues even in a manner, which were highly critical for the United States and the Soviet Union, i.e. in the Vietnam and Czechoslovakian crises.

Thant's concept of his Office retains a concreteness, that recalls Lie's approach more than Hammarskjold's, but with a difference. During his tenure, lasting for a longer period than that of his two predecessors, he played his role very cautiously except for criticism. On one point or the other, he managed to retain the confidence,

of not only, the two Superpowers but also of the United Nations membership at large. Thant's comments on international politics were specific and blunt and did not approach the intellectualized character of Hammarskjöld's doctrinal exercise.

Thant was the spokesman of world interests because he had the strong support of a great majority of the United Nations members, most of whom, wished to stand apart from the East-West conflict. Thus, Thant's criticism of the United States' involvement in Vietnam, did not seriously affect his position vis-a-vis Washington, nor did Moscow react sharply to his public denunciation of the Soviet occupation of Czechoslovakia in August 1968.

Thant's successor Kurt Waldheim,¹ who took over the

1 On several occasions, Kurt Waldheim has quite candidly expressed his views regarding the role of the Secretary General: "He has to be active, to be imaginative, to have ideas, to use his good offices in order to avoid crisis through negotiations, with member states and with the governments of member states and by preventive diplomacy the solution of crisis can take place. The Secretary General should not always wait for the crisis to break out". He further held the view that "the Secretary General should take initiative within the framework of the Charter because if he goes beyond it, he is heading for trouble".

See in particular, transcript of B.B.C. interview with the Secretary General, Kurt Waldheim, 6th January 1972, Press Release SG/SM/1615 and also United Nations Press Release SG/SM/1617.

Office on 22 December 1971, has successfully maintained the role of the Secretary General. He did not hesitate to criticize the United States administration when the United States intensified the bombing and mined the territorial waters of North Vietnam (August/October 1972). He appreciated the entry of China in the United Nations and regarded it as essential in the interest of universality. He held the view that the problem of disarmament cannot be solved unless participation by big Powers takes place. He offered his good offices, to the parties to the Vietnam conflict when the hostilities were escalated in 1972. He was called to 'represent' the United Nations in the Paris Peace Conference on Vietnam (February 1973) and also in the Geneva Conference on Arab-Israel conflict (December 1973). In a short span of two years, Waldheim has discharged his responsibilities with caution. The way he is handling his job, speaks of the potentiality and viability of the Office.

Thus, all the United Nations Secretaries General, including the present incumbent, had constantly and consciously sought and accepted the opportunities to expand and consolidate the influence of their office in matters of peace and security.

Every Secretary General brings to the Office his own personality, ideas and methods. The efforts and experiences, achievements and failures, of successive Secretaries General are the raw materials, out of which the Office has

developed over the years on the basis of the very general description which is given in the Charter. While the fundamental objectives of the Charter remain, circumstances change, new opportunities for development present themselves and sometimes new obstacles appear. Things that were possible for one Secretary General, are no longer possible for his successor, and vice versa. The Office, out of necessity, has developed through trial and error and in response to the demands and challenges of the passing years. Each Secretary General had to build as best as he could, on the office as he inherited it. If he could not hope to repeat all the successes of his predecessors, neither did he fear to try again, where they had failed.

Each of the Secretary Generals has had some of the human capacities, needed to establish and exercise the influential possibilities of the Office and to preserve it against attack and erosion. Lie acted with courage to develop and extend the original expectations for the Office. Hammarskjold set a remarkably high standard for himself, and to a great degree met it. He soon became known in the United Nations circles, for foresight and analytical ability, a sense of timing, and courageous innovation. In defence of their office, both he and Lie resisted unrelenting onslaughts by the Soviet Union. Thant quickly restored much of the wavering confidence in the Office and has shown ingenuity, tact and courage in his conduct.

The Secretary General has at his disposal a variety of techniques, by which he can help to forge support to expand the influence of his Office. One set of techniques for exerting and building influence, derives from the legal and moral undertakings of member governments in joining the United Nations. The Secretary General may call the attention of the concerned governments, the provisions of the United Nations Charter, the past practice in accordance with them, and sometimes his own opinion, regarding the application and relevance of these provisions and practices to particular issue. He may urge governments - that is, try to persuade governmental leaders - to conform scrupulously to their commitments. He does so, frequently in his Annual Report. More private and particular recommendations can be transmitted to governments through the multiple diplomatic and personal channels open to him. These include the corps of permanent representatives at the headquarters, the conversations held with governmental and non-governmental visitors, and consultations during his own frequent travels to national capitals. The press and other mass communication media can also be used as a means of contact with the government elites.

Accumulated influence adhere to the office as well as to its incumbent. That was able to act within broader limits than he might have been in taking over from someone of less accomplishment and prestige than Hammarskjold.

The latter entered the office when its influence had sharply fallen away, and at first acted cautiously within narrow limits. Yet, it seems clear that the cumulation of influence constitutes no irreversible process especially, in view of the background of world politics which condition the activities of the Secretary General.

To some degrees, the accumulated influence of the Office of the Secretary General, has been formulated into a doctrinal definition of its functions. This doctrine is based on precedent and on the energetic initiating, policy-forming circumstances of each Secretary General which in itself is unusual for a civil servant.

Accumulated influence, however, has some limitations. The Secretary General can act within narrow but undefined and shifting limits and his independent actions, influence the course of international politics but never at a constant level. The configuration of international politics always modulates his actions and his influence. So do his character, energy, intelligence and style. His independent actions may generate precedents, that have dual results. In similar circumstances he may attempt similar actions and achieve equal or even greater influence. Or he may reach a limit which can provoke attack from opponents who might derive other conclusions from the precedents.

Though the Secretary General has fulfilled the

expectations that he would be involved in handling issues of peace and security, but this has not permanently installed him on a plane of political equality with other, deliberative decision-making principal organs of the organization. Even the employment of the formal powers under Article 99 is closely fenced in. Although the Secretary General has the "special right" to bring any matter concerning peace and security before the Security Council, his doing so commits the members of the Council to nothing. They may or may not agree, even with his assessment of a matter as having a bearing on the maintenance of peace. He may send documents to the Council to intervene in its discussions and hold confidential consultations. But he can neither vote in favour nor veto a resolution before it. Whatever his views, he is bound to follow its instructions while he remains in Office. The same comment applies to the questions of peace and security which he brings to the General Assembly.

The personal attributes, talents and moral precepts of the Secretary General, build his influence. No man, however, brilliant can twine all the complex conflicts of the universe into manageable simplicity and calm co-operation. His range of attention cannot encompass every political affair; his prescience cannot extend far enough to alert him to each future outcome of his present actions; and his tact cannot cover all inadequacies of others. His own

morality, however, poorly defined or ill-expressed, and that embodied in the United Nations Charter, must forbid him from certain policies. The course left open include impractical strategies and unfortunate tactics.

In one of his candid remarks Dag Hammarskjold rightly noted:

A positive influence, politically for the Secretary General, can be imagined in practice, only on two conditions. First, he must have the full confidence of member states [including the Superpowers]... Second, he must accept the limitations of acting mainly in inner lines without publicity. [Because, if a Secretary General will try to make appeals publicly. In nine out of ten cases, he would destroy his chances of exerting an independent influence]... and may endanger the usefulness of his Office. 2

Finally, though the nature of the United Nations and the powers of member governments place limitations on what the Secretary General can do in the political sphere, there are factors which make it almost inevitable that the Office of the Secretary General will continue to be important in future, and which, if discretely and wisely used will contribute to the continuing growth of the role of the Secretary General.

2 Speech at Copenhagen, United Nations Press Release SG/812, 12.

APPENDICES

Appendix I

COVENANT OF THE LEAGUE OF NATIONS

(Excerpts)

Article 6

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

Article 15

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by

giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose, the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

Appendix II

CHARTER OF THE UNITED NATIONS

(Excerpts)

CHAPTER III. ORGANS

Article 7

1. There are established as the principal organs of the United Nations; a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

CHAPTER XV. THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security

Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-

General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Appendix III

REPORT OF THE PREPARATORY COMMISSION OF

THE UNITED NATIONS

(Excerpts)

CHAPTER VIII. THE SECRETARIAT

SECTION 2

B: THE SECRETARY-GENERAL

FUNCTIONS, TERM OF APPOINTMENT AND PROCEDURE OF APPOINTMENT

Functions of the Secretary-General

8. The principal functions assigned to the Secretary-General, explicitly or by inference, by the Charter, may be grouped under six headings: general administrative and executive functions, technical functions, financial functions, the organization and administration of the International Secretariat, political functions and representational functions.

9. Many of the Secretary-General's duties will naturally be delegated, in greater or lesser degree, to members of his staff and particularly to his higher officials. But the execution of these duties must be subject to his supervision and control; the ultimate responsibility remains his alone.

10. The Secretary-General is the "chief administrative officer of the organization" (Article 97) and Secretary-General of the General Assembly, the Security Council, the

Economic and Social Council and the Trusteeship Council (Article 98). Certain specific duties of a more narrowly administrative character derived from these provisions are indicated in the Charter (e.g., in Articles 12 and 20, and in Article 98, the last sentence of which requires the Secretary-General to present an annual report to the General Assembly on the work of the Organization) and in the Statute of the International Court of Justice (Articles 5 and 13).

11. Further specific duties falling under this head, many of which will no doubt be defined in the Rules of Procedure of the various principal organs concerned and their subsidiary bodies, relate to the preparation of the agenda and the convocation of sessions, the provision of the necessary staff, and the preparation of the minutes and other documents.

12. The Secretary-General also has administrative and executive duties of a wider character. He is the channel of all communication with the United Nations or any of its organs. He must endeavour, within the scope of his functions, to integrate the activity of the whole complex of United Nations organs and see that the machine runs smoothly and efficiently. He is responsible, moreover, for the preparation of the work of the various organs and for the execution of their decisions, in co-operation with the Members.

13. The last-mentioned functions of the Secretary-

General have technical as well as administrative aspects. More particularly as regards the work of the Economic and Social Council and the Trusteeship Council, the expert technical assistance which the Secretary-General is able to provide, and which he himself must control, will clearly affect the degree in which these organs can achieve their purposes.

14. Under the Charter, the Secretary-General has wide responsibilities in connection with the financial administration of the United Nations; and it may be assumed that, under the financial regulations which will be established by the General Assembly, he will be made primarily responsible for preparing the budget, for allocating funds, for controlling expenditure, for administering such financial and budgetary arrangements as the General Assembly may enter into with specialized agencies, for collecting contributions from Members and for the custodianship of all funds.

15 The Secretary-General is the head of the Secretariat. He appoints all staff under regulations established by the General Assembly (Article 101, paragraphs 1 and 3), and assigns appropriate staff to the various organs of the United Nations (Article 101, paragraph 2). He alone is responsible to the other principal organs for the Secretariat's work; his choice of staff - more particularly of higher staff - and his leadership will largely determine

the character and the efficiency of the Secretariat as a whole. It is on him that will mainly fall the duty of creating and maintaining a team spirit in a body of officials recruited from many countries. His moral authority within the Secretariat will depend at once upon the example he gives of the qualities prescribed in Article 100, and upon the confidence shown in him by the Members of the United Nations.

16. The Secretary-General may have an important role to play as a mediator and as an informal adviser of many governments, and will undoubtedly be called upon from time to time, in the exercise of his administrative duties, to take decisions which may justly be called political. Under Article 99 of the Charter, moreover, he has been given a quite special right which goes beyond any power previously accorded to the head of an international organization, viz: to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security. It is impossible to foresee how this Article will be applied; but the responsibility it confers upon the Secretary-General will require the exercise of the highest qualities of political judgment, tact and integrity.

17. The United Nations cannot prosper, nor can its aims be realized, without the active and steadfast support of the peoples of the world. The aims and activities of the

General Assembly, the Security Council, the Economic and Social Council and the Trusteeship Council will, no doubt, be represented before the public primarily by the Chairmen of these organs. But the Secretary-General, more than anyone else, will stand for the United Nations as a whole. In the eyes of the world, no less than in the eyes of his own staff, he must embody the principles and ideals of the Charter to which the Organization seeks to give effect.

Term of Appointment, etc.

18. The first Secretary-General should be appointed for five years, the appointment being open to renewal at the end of that period for a further five-year term. There being no stipulation on the subject in the Charter, the General Assembly and the Security Council are free to modify the term of office of future Secretaries-General in the light of experience.

19. Because a Secretary-General is a confidant of many governments, it is desirable that no Member should offer him, at any rate immediately on retirement, any governmental position in which his confidential information might be a source of embarrassment to other Members, and on his part a Secretary-General should refrain from accepting any such position.

Procedure of Appointment

20. From the provisions of Articles 18 and 27 of

the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of seven members, including the concurring votes of the permanent members, is required; and that for his appointment by the General Assembly, a simple majority of the members of that body present and voting is sufficient, unless the General Assembly itself decides that a two-thirds majority is called for. The same rules apply to a renewal of appointment as to an original appointment; this should be made clear when the original appointment is made.

21. It would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly, and for debate on the nomination in the General Assembly to be avoided. Both nomination and appointment should be discussed at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

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