CHAPTER VII: CONCLUSIONS

The development of the office of the Secretary General, particularly the shift in his functions from administrative to diplomatic, has not been a premeditated one. It is the product of the attempts by the United Nations to meet the challenges which it had to face in the span of the last twenty-five years. At the same time one cannot ignore the fact that this development has paralleled the growth of the international organization from a 'static conference machinery' to a 'dynamic instrument' of nations. This growth is only partly reflected in the Chapter XXV in framing which the fathers of the United Nations Charter desired to have not merely an international civil servant but an international diplomat. However, at the time of the birth of the United Nations the nature of the change was only dimly perceived and its implication imperfectly understood. This development of the office and the transition of the organization has not been a smooth, a 'smooth' or a complete one. The controversy over 'financing the institution' shows how this development is imperfectly understood and is, by some, wilfully resisted.

The same could be said of the growth of the office of the Secretary General. The developing role of the Secretary General has been challenged by every Great Power at one time or the other, and in fact by every nation whose narrow short term national interests were prejudiced by such a growth. While the Soviet Union has denied that there can be a neutral man and an impartial Secretary General, both France and the Soviet Union have, since 1960, opposed any substantive increase in the political role of the Secretary General—both in the diplomatic and peacekeeping fields. Nor have the small powers been consistent in their support of Hammarskjold's...
concept of the office of the Secretary General. Though the strident demands of Khrushchev to reorganize the Secretariat on the lines of the Troika were not supported by the small and uncommitted nations, their support to the Secretary General was, at best, equivocal. Many were willing to compromise when they ought to have stood firm. Their reaction to the opinion of the International Court of Justice on the South West Africa case would seem to indicate that they do not yet believe in the integrity of an international judge or a civil servant. Since 1958-60 which marked the height of the influence and role of the Secretary General in international relations, the office has been subjected to increasing strain and pressure. It is against the consequent recession of influence that U Thant has protested time and again.

As the experience of the League of Nations demonstrates whatever be the Charter provisions regarding the political role of the Secretary General a great deal with would depend on how the incumbent himself reads and interprets them. All the three Secretaries General of the United Nations have chosen to see a great many things contained in the Charter provisions. Trygve Lie strove during his tenure, to establish precedents which gave the Secretary General opportunities to influence decision making within the organization — specifically, the right to make statements before the General Assembly and the Security Council, to include items in their agenda, to propose draft resolutions, to proffer legal studies etc. He asserted the powers implied in Article 99: to mediate, to ascertain facts of the case, to voice his opinions on international conflicts. However, it was Hammarskjold, who made far reaching claims for the office, in order 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
6. "Nations" and to make use of his office and the Organization to "its utmost capacity and to the full extent permitted at each stage by practical circumstances." These included his right to establish United Nations 'Presences', to act without guidance from the United Nations organs, to promote peace and security under his own authority. Though it was Articles 97-101 which constituted the legal source of the Secretary General's influence, every success that attended the exercise of these 'implied powers' served to increase his influence, to establish his saliency and more importantly, in getting the innovations accepted, albeit implicitly by the Member Nations. It was only while discharging his functions in the Congo that his conception of the office met with a serious challenge from the Soviet Union and its allies. From that point of view Hammarskjold's actions in the Congo proved dysfunctional to the developing role of his office and the Organization.

Hammarskjold was right in insisting that the office of the Secretary General ought to be truly international, independent and impartial. However, to maintain one of the ingredients of his position as an intermediary, acceptability to the Great Powers and the parties to the conflict - he should not only be impartial but appear to be impartial.

Unlike a judge in a court of law, the Secretary General has no equivalent accepted legal framework in the light of which he could interpret facts and events. Nor is his right to interpret the Charter and international law accepted as authoritative. Further, "the activity in which the United Nations Secretary General engages is far from being judicial in nature, even if the temper which both bring to their work is similar..... men may act in a manner which to the best of their endeavours and belief, is impartial, but action which is, in this sense neutral, is not necessarily
neutral in its effects: some one is likely to feel that he has been adversely affected. When this occurs the member who feels that action taken in the name of the United Nations has done him an injury is unlikely to quiet about it." Clearly by September 1960, the Soviet Union had ceased to believe in the possibilities of 'neutral action' from the Secretary General. Without questioning the integrity of Dag Hammarskjold one can understand the Soviet view that the Secretary General was neutral against it. Thus it can not be denied that in none of the peacekeeping forces or United Nations 'presences' were nationals from the Soviet Union and its allies ever used, whereas troops and diplomats from the U.S. or the close allies of the U.S. were prominent in all these. The Under Secretary for Political and Security Council Affairs (a Soviet National) was excluded from the decision making group within the Secretariat like the Congo club. The Soviet Union, though it had recorded its protest against the developing role of the Secretary General (while establishing UNEF, in 1959 Laos crisis, his interventions on disarmament proposals in the Security Council) earlier, it seems to have been convinced only in September 1960, following the ONUC's actions against Lumumba, that the political role of the Secretary General would never be in its favour. This must have been the factor which prompted Khruschev to take the fundamentalist position that 'there are no neutral men'. Thus whereas till 1960 the Soviet Union had attacked the alleged partiality of the Secretary General by even subjecting the individuals concerned to gross abuse and boycott, since 1960 it has assumed a more sophisticated position. It has tried to secure an inbuilt veto within the Secretariat through the Troika proposals. This position was softened by the general opposition which the Troika proposals met and by U Thant's role in the 1962 Cuban Missile crisis. However, since then instead of criticizing U Thant who openly
endorsed Haamarskjoldian concept of the office and continued his policies, it has opposed all claims of the Secretary General to an independent political role. It has consistently tried to subject the role of the Secretary General to more and more restraints (for example see the cases of Yemen, Cyprus, Kashmir) and has even questioned his right to send representatives of his own.

The United States is in a fortunate position where the Secretary General's actions till now have not seriously prejudiced its national interests. However, it is conceivable that were such a situation to develop it would move to the 'right' and take a conservative line in interpreting the duties of the office. As early as 1960 the Report of the Delegation of the U.S. to the 15th Session of the General Assembly submitted to the Committee on Foreign Relations drew pointed attention to such a possibility and favoured examination of the powers of the Secretariat.

The above analysis makes it clear that to attain success in the peacekeeping field a Secretary General will have to ensure that a 'minimum working consensus' obtains on which his initiatives as an agent of the United Nations Organs are based. What is more, in order that his running interpretations do not move away from such consensus he should be assisted in this task by a committee on which these nations are represented.

It has been argued (Chapter III above) that in the process of conflict resolution the Secretary General may have a useful role and influence. The extent of his role and the scope of his influence is likely to vary according to a configuration of factors like the nature of the parties, the circumstances of the conflict, the interests of the super-powers etc. To be useful as an intermediary in such conflicts, it is necessary that the Secretary General should be important enough to be approached by the nations,
acceptable to the parties and capable of rendering services required
for conflict resolution. By virtue of his position under the Charter of
the United Nations the Secretary General occupies a prominent position.
The practice of using his office for mediatory purposes in the last twenty
five years has firmly established his saliency. The Charter pro-
visions also invest him with impartiality. The Secretary General himself,
in order to be acceptable to the parties, has offered his services in three
different roles in different circumstances. Thus he has acted as an agent
of the Security Council or the General Assembly (in the October 1956 Middle
East Crisis, the Congolese crisis, in the Kashmir 1965 conflict, in Cyprus);
he has also, where he thought it more suitable, acted independently of the
mandates of the United Nations organs and declared that he was acting under
the authority of his office, independently of the mandate of the United
Nations organs. (For example in the Peking 1954 case, or in April 1956 Middle
East conflict, in South Africa 1960, in Laos 1959 et al). He has offered his
good offices, or taken initiatives as an individual and not as Secretary
General (in Vietnam 1964-66) or as an emissary of the non-aligned nations
(in Cuban crisis 1962) where his the locus standi of the United Nations is
questioned.

The case studies and the general experience of the Secretaries
General suggest that they have a limited role in resolving conflicts between
the super-powers. Bargaining in such conflicts bristles with difficulties
as strategic issues and tactics like bluffs, threats are freely exploited.
A super-power, where its vital interests are involved has little inclination
to be influenced by the Secretary General (vide the Laos, Dominican and
Hungarian crises). The powers themselves are "unconditionally viable" and,
therefore, are less susceptible to pressures from other sources. The one
service that the Secretary General can render is to act as a channel of communications and sometimes to make proposals which might be acceptable on account of their face saving value. Mr. Young suggests a much larger and more significant role to the Secretary General in such conflicts and has supported his argument by his study of the Cuban Missile crisis and by his broad theoretical considerations. But the present information about the third party efforts of the Secretary General in such conflicts does not wholly justify such an evaluation. In both the Berlin crisis (1948) and the Cuban Missile crisis the bargaining was done by direct communications between the parties though the Secretary General and his appeal did serve as a face saving device of some value to the Soviet Union, in the latter case, in avoiding a confrontation on the seas.

In the later fifties, Hemaroukold did carve out a role for his office in the field of preventive diplomacy. The aim of this policy is a localisation of the conflict by keeping the Cold War out, both in order to avoid a Great Power confrontation and to avoid possibilities and complications of a further conflict; to serve as a holding operation in order to tackle the problem of peaceful change in a relaxed atmosphere. Three essential conditions for the success of such a role are: i) motivation of the Great Powers to avoid a confrontation; ii) their confidence that the United Nations will function neutrally rather than in the interest of one of the Super powers; and iii) willingness of the uncommitted/non-aligned nations to serve as the agent of the United Nations in carrying out this function. The latter two points emphasize the neutralist character of preventive diplomacy. "The concept of preventive diplomacy requires the United Nations to stand as a collective embodiment of positive neutralism . . . . In principle Cold War makes preventive diplomacy necessary, and the existence of a substantial
20.

The neutralising role of the United Nations obviously imposes on the Secretary General in such conflicts the responsibilities of leadership. He organizes the peacekeeping force, interprets its mandate, controls its day to day operations, and practically decides on its termination. Besides, he has to mobilise enough political support to constitute the 'minimum working consensus' without which the operation could come to grief. The Secretary General exercised great influence in framing the mandate and its interpretation. The instrument of the peacekeeping force has given him a lever which, in the Congo and the Middle East and in other instances, has been used so as to influence the position of the parties to the conflict. However, even in these cases the Secretary General had to lean on the resources and influence of the Great Powers, particularly the United States to contain / resolve the conflicts. U Thant has openly sought such pressure for these purposes.

Even in the small power - non Cold War conflicts the influence of the Secretary General has been limited. The absence of the competitive interests of the Great Powers and the freezing of the situation by the introduction of the peacekeeping force removes the urgency for settling the basic conflict and results in a subdued perpetuation of the conflict. Movement in the positions of the parties becomes possible where there is a readiness to compromise or where the Great Power influence can be brought
to bear to alter the value positions of the parties. "The scope 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 administra-
tors who can direct the actions of a civil population. He has only his diplomatic skill and political acumen and the goodwill of the parties to depend upon. The former is not infallible, and in the case of a situa-
tion as aggravated as Berlin or Suez, the latter is likely to be absent." Much would depend on his assessment of the willingness of the parties to try to settle the conflict and the readiness of the Great Powers to lend their influence for the purpose, where such influence is likely to bring results.
NOTES AND REFERENCES: CHAPTER VII:


4. When the case was decided in favour of South Africa, in July 1966, by a casting vote, with Sir Zafrulla Khan (Pakistan) then a judge of the International Court in London, abstaining, the African States regarded it as an betrayal of the African people. Sir Zafrulla was supposed to have given a pledge, while seeking election to the Court, that he would not be found wanting in upholding the African interests at the Court. Times of India (dak edition) August 2, 1966.


7. Statement of the General Assembly on his reelection to the office GAOR/XXXIV/V.690 September 26, 1957 p. 175.


9. Even though it is argued that the Charter and the international law are regarded as such an underlying consensus, they are so vague that in practice they are invoked to support the case of both contending parties to a dispute.


11. See as an example of such action, Conor Cruise O’Brien, ‘Non-Alignment’ New Statesman Vol. 71 No. 1830, April 8, 1966 pp. 507-8

In fact, this seems to be the general United Nations policy. So far as the United Nations has not been represented on any of its suborgans created for peacekeeping purposes and Eastern Europe has been represented on only two peacekeeping forces (if Yugoslavia is considered part of Eastern Europe). See Yashpal Tandon Op.Cit. Table I p. 262.


16. See Chapter 1 above.


18. "A party that can not be absorbed or destroyed as an independent source of decisions is said to be unconditionally viable". Kenneth Boulding, Conflict and Defense, (New York: Harper Torch Books 1962) p.58.


