CHAPTER II

SECRETARY GENERAL'S CONCEPTION OF THE UNITED NATIONS AND HIS OFFICE:

The political role of the Secretary General in international relations in general and in the issues facing the United Nations in particular may be viewed as reflecting his own conception of the role of the United Nations and of his office. Thus during the League of Nations period the office of the Secretary General did not assume political importance or political initiative largely because Eric Drummond, the first Secretary General of the League, conceived of his office as politically neutral, patterned on the British Civil Service. It is conceivable that the office would have developed in a different way had some politician like Venizelos, (who was offered the post) been the first Secretary General. The provisions in the League which could have afforded scope for diplomatic initiatives by the Secretary General were not so interpreted and used. Albert Thomas, the first Director of the D.L.O., in a similar position developed his office into one of great power and prestige. Hence a perception, on the part of the Secretary General, of the role of his office and of the Organization in international politics is important in understanding the actual role of the Secretary General in the resolution of international conflicts.

TRYGVE LIE:

Unlike Eric Drummond, Trygve Lie, the first Secretary General of the United Nations, had a political background. He was the Foreign Minister of Norway during the War. Lie's views on the United Nations and the position of the Secretary General must have been influenced by this fact as well as by the discussions in the San Francisco Conference and the United Nations Preparatory Commission.
UNITED NATIONS AND COLD WAR:

After the San Francisco Conference, the war time unity among the big powers began to show signs of strain. Like many others Lie thought that the structure of the United Nations rested on Great Power collaboration and that, therefore, continuance of this unity was essential for the success of the United Nations. He thought, "the Great Powers must play the leading role in the Security Council.... (and) smaller nations should aim at making a sincere contribution to the mutual understanding and confidence of the Great 4.

Therefore, later, when the break between the Soviet Union and the Western nations occurred and the Cold War set in, it became the supreme mission of Lie to close this breach and bring about greater understanding between them. It was with this view that he tried to mediate between the two blocs on various questions which divided them e.g. the Iranian dispute, the Berlin Blockade, the Greek Question, the Representation of China in the United Nations, etc.

On the substance of the Cold War issues he was essentially in agreement with the appraisal of the post war international situation made by Winston Churchill in his Fulton speech (March 5, 1946) that the West must build up its strength and unity in order to confront effectively or conciliate Soviet Union. It was from this point of view that he approved of defence pacts like the 6.

N.A.T.O. and the Pan American Defence Arrangements organised for containing communism. He did not see any incompatibility between an effort to build 'a common system of security' through the United Nations based on collaboration with the Soviet Union and a policy of 'rebuilding Western strength'. But Lie was convinced that regional defence pacts were only short term measures. In the long run coexistence of the Great Powers and their systems could be ensured by a policy of conciliation through the United Nations and economic support to the under developed world.
CONCEPT OF THE UNITED NATIONS:

For him the United Nations was essentially a protector of peace and an instrument of collective security. He held that efforts at mediation, negotiation and agreement together with development of economic and military strength in support of collective security against armed aggression and a wise and realistic moderation in the use of power could improve the chances of peaceful settlement. "The United Nations must stand firmly and unequivocally and a with adequate strength against the use of military force by any nation to impose its will upon another," he wrote. He was disappointed that the Great Powers could not agree on the constitution of a United Nations force under Article 43 of the Charter. It was, therefore, as a preliminary towards building up the influence of the United Nations for the maintenance of peace that he suggested, in the Harvard Commencement Exercises, the idea of a small United Nations Guard. Though he conceived it as distinct from a "striking force", he maintained that the establishment of such a force was to be the first step towards the application of the provisions of the Charter for the enforcement of peace. It was with such a conception of the United Nations in mind that he urged strong action in Palestine and in Korea, and claimed to have invoked his powers under Article 99 in connection with the latter. He characterised United Nations action in Korea as the "first determined stand against international lawlessness and aggression which the peace loving governments of the world have taken...... Collective security has been enforced for the first time in the whole of human history." His concept of the kind of United Nations action for ensuring collective security can be seen from the draft resolution that he had prepared for authorising action against North Korea. Under this he would have the United States assume responsibility for directing the armed forces of the Member nations with a United Nations
committee to stimulate and coordinate offers of assistance and to 'promote continuing United Nations participation in and supervision of the military security action in Korea.'

The United Nations Charter is not merely an international agreement or a treaty but also an 'international constitution' argued Lie. Emphasizing the latter aspect of it he suggested a 'continuing liberal interpretation of the Charter'. This should enable a restriction of the veto rights of the Permanent Members of the Security Council and also enable the General Assembly to elect the Secretary General on the recommendation of any seven members of the Security Council or permit the Assembly to use collective force against armed aggression. Thus, Lie accepted an extension of his term of office though it was approved by the General Assembly alone without being supported by a Great Power unanimity in the Security Council. Lie's support to the Uniting for Peace Resolution of the General Assembly is another instance of his broad interpretation of the Charter. The length to which he wished to stretch such an interpretation can be seen from his stand on the General Assembly's Partition Plan for Palestine. He supported the argument that the Security Council could assume responsibility for implementing the Plan and said so openly in order to 'prod' the Security Council fearing that it might otherwise not act at all. He even thought of proposing an 'emergency international force' composed of units of the big five, which would reinforce the moral stand of the United Nations on Palestine with a physical force.

His argument was that while the United Nations was not in general justified in enforcing any type of political settlement, when all the parties who were in control of a territory had together sought the aid of the United Nations in deciding its future, it had full constitutional power not only to maintain order inside the territory but to resist any attempts from outside to
overthrow its decision. In his Trieste Opinion (January 10, 1947) he had argued that Security Council "had sufficient power under the terms of Article 24 of the Charter, to assume new responsibilities, on condition that they relate directly or even indirectly to the maintenance of international peace and security, and that in discharging these duties, the Security Council acts in accordance with the purposes and principles of the United Nations."

Trygve Lie formally presented a plan of United Nations Guards several thousand strong to the Assembly for approval. The members of this force were to be recruited by the Secretary General, for which he thought adequate constitutional authority of the UN existed in Articles 97 and 98. The purpose of the Guard was to represent the United Nations Authority in the field and protect United Nations personnel and property. It could help the United Nations missions in services like patrolling, supervising or observing truce arrangements etc.

**CONCEPT OF HIS OFFICE:**

Trygve Lie was conscious that the position he held was unprecedented and therefore he had undertaken 'a most difficult and pioneering role, calling for the exploration of much untried ground.' While he had no calculated plan for developing the political powers of the office, he was determined that the Secretary General should be a 'force for peace.' How that force was to be applied could be determined in the light of developments. According to Lie the Secretary General's role should be somewhere between what the maximalist school and the minimalist school advocated. He recognized that the Secretary General was the symbol of "the Organization as a whole - the symbol of the international spirit" and that he occupied a strategic position at the centre of international affairs as 'confidante of world's statesmen' and as the 'spokesman to the world's peoples'. The
The Secretary General was "at once the symbol of the collective struggle for peace and spokesman for world interest overriding any national interest in the councils of the nations." As such he had a right to propose items for the agenda and participate in the debates of the organs of the United Nations. In fact, he conducted a campaign to secure such rights in the Security Council. It was in line with such a concept of the role of the Secretary General that he not merely tried to advise and conciliate nations privately but took public stands on issues and openly advocated proposals for adoption by the United Nations organs. He admitted "... my eyes were open as I pushed my way into each of the many problems that arose. I did not try to avoid them; it was a part of my interpretation of the United Nations Charter and its laws as well as of the resolutions passed by the General Assembly. Just as the Secretary General is the servant of the United Nations and not of any single nation, so he is obliged to risk himself in the interest of a just solution." Inevitably, therefore, he incurred the displeasure of the Arab countries, (Nationalist) China and more importantly, of the Soviet Union. When his term came to an end he accepted, despite the veto and opposition of the Soviet Union, an extension of his term by the General Assembly. To retire, he argued, was to yield to Soviet pressures and accept a 'defeat for the stand' he had taken. He interpreted the extension as a 'veto of confidence' on his interpretation of the Secretary General's duties. However, he soon realized that want of Soviet support limited his activities to a small part of the political role intended for the Secretary General by the Charter. He regretted that 'the series of precedents with which I had carefully sought, stage by stage, to build up the influence and prestige of the Secretary General... in the interest of effective world organisation and of peace, could not be carried forward, in the circumstances.' He acknowledged that 'when the Secretary General speaks or acts for peace and freedom in some future crisis,
he should have behind him not only the weight of his constitutional authority but the weight of political influence conferred upon him by the fact that he is in office by the affirmative votes of all five as permanent members of the Security Council and is recognised as Secretary General by all Member States. From his experience he concluded that the task of the Secretary General was the 'most impossible job on earth.' "Any Secretary General will find it so", he predicted, "if he tries to be the kind of officer that I think the San Francisco Charter envisaged. Should his conception be the same as mine, he will find it impossible to avoid the displeasure of one or more of the greater or smaller states during the years to come."

**Dag Hammarskjöld: Concept of the United Nations**

Dag Hammarskjöld, the successor of Lie, theorised a great deal about the role of the United Nations and of the Secretary General. Not unnaturally, during his term both the United Nations and the Secretary General attained the peak of their influence and prestige. Hammarskjöld took office at a time when the emphasis had already shifted from collective security to a negotiated peace. This change can also be marked in Hammarskjöld's speeches and statements. Of course, he did not rule out the collective security aspect of the United Nations but insisted that any United Nations action in this respect must be supported by a Great Power consensus otherwise the United Nations would be transformed into an instrument of military force in a great Power alliance conflict. Hammarskjöld valued the United Nations more as an instrument of diplomacy. In his acceptance speech in 1953 he spoke of the 'work of reconciliation' as the task of the United Nations. The United Nations, as an instrument of collective security would gain strength in proportion to its achievement as an instrument of reconciliation, he argued. In its approach to political problems the United Nations had become a 'multilateral' diplomatic
instrument, transcending nationalism and bi-lateralism.' He conceded that negotiations could be undertaken outside the United Nations - in fact, the Charter recognised them. In this sense the United Nations was not a substitute for normal procedures of reconciliation and mediation but an additional instrument providing support for the maintenance of peace and security. Negotiations conducted outside the United Nations would cause concern only if they 'reflected neglects of the possibilities which the Organisation offers, because of a lapse into bilateralism, disregarding legitimate third party interests or if it reflected a view that the Organisation is not able to meet the demands which Member nations are entitled to put on it.' However, he pointed out that such negotiations gain in value if conducted against the background of the purposes and the principles of the Charter and the results can usefully be brought within the framework of the United Nations. The United Nations could serve the diplomacy of reconciliation better, he argued, because 'all the varied interests and aspirations of nations meet there upon the common ground of Charter and, therefore, it may help to wear away or break down differences, thus helping towards solution.' Also, conducting negotiations within the United Nations framework has the added advantage that the Security Council provides a firm procedural foundation for discussions and provides them with a clearly defined legal framework eliminating elements of uncertainty concerning purposes and principles which might complicate deliberations. Further, in such negotiations, the parties, even if they do not explicitly say so, have to accept 'basic rules of international coexistence of which the Charter is an expression' vis. eschewing of force, collective self-defence, respect for independence and territorial integrity of each Member State etc. On the other hand, Hammarskjöld was afraid that failure to use United Nations machinery in matters of peace and security and the tendency
to use other arrangements for these purposes, without overriding practical
or political reasons might weaken the position of the Organization and reduce
its influence and effectiveness. While he recognised the value of 'parlia-
mentary diplomacy' in determining the common interest, open debates, he was
afraid, would turn into 'frozen diplomacy' and introduce elements of rigidity
in the stands taken by the parties. He wanted the United Nations to be
"an instrument for negotiation of settlements as distinct from the mere debate
of issues." Parliamentary diplomacy, he warned, was likely to breed the
illusion of the legislative powers of the Assembly. The legislative proce-
dures would be useful only in so far as they served in concerting action by
governments in support of the goals of the Charter. "In an organization of
Sovereign States, voting victories are likely to be illusory unless they are
steps in the direction of winning lasting consent to a peaceful and just
settlement of the questions at issue." He asserted that it is diplomacy, not
speeches and votes, that has the last word on the process of peace making.

For this purpose he commended the informal discussions conducted by the representatives of nations, within the United Nations, on a personal basis, on all
questions which are of importance to the work of the Organization. In this
sense he called the United Nations 'a continuous diplomatic conference.'

UNITED NATIONS AND THE COLD WAR:

It was this superiority of the United Nations as a diplomatic instru-
ment that prompted Hammarskjold to suggest that negotiations leading to re-
conciliation of Cold War issues could be undertaken within the United Nations.
He thought 'the United Nations by its very nature, by providing contacts - a
meeting of minds, served the purpose of thawing the Cold War all the time.'
With this view he suggested the more than once that Article 28 (2) of the
Charter, providing for periodic meetings of the Security Council be activated.
He worked hard to promote a dialogue between the Soviet Union and the West on issues like Disarmament and the Berlin crisis by attempting to arrange a summit meeting within the United Nations. He felt that negotiations in such a forum would be helpful in inducing a sense of realism in the States, prevent the building up of unfounded expectations, or the rise of avoidable problems, and provide scope for unpublicized diplomacy. Further, the United Nations is capable of bringing to such diplomacy "the mediating influence of the participation of all those who are vitally interested in peace, while free from an immediate involvement in the issues at stake in terms of prestige or national interest." When he was disappointed in this endeavour he sought to enlist the interests of the United Nations as a whole by arguing that the Charter represented a balance between the 'Big Power element and the majority element'. While conceding the 'special position' of the big powers within the United Nations, he took care to note that the community of nations within the United Nations had a vital interest in a 'peaceful solution, based on justice' of such questions. If the United Nations could not become a 'focal point in the debate' on an issue such as the Berlin question, or in the efforts to solve it, the Organization could not be regarded as 'an outside party which has no right to make its voice heard' when the situation threatened peace and security or justice.

On the whole, his experience in dealing with Cold War issues made him conclude that 'with its constitution and structure, it is extremely difficult for the United Nations to exercise an influence on problems which are clearly and definitely within the orbit of present day conflicts between power blocs.' However, he believed that if the United Nations could not end the cold war, it could skirt it and he saw great potentialities for the United Nations in this respect; that is "the United Nations must aim at keeping newly
arising conflicts outside the sphere of bloc differences. Further, in the case of conflicts on the margin of, or outside, the sphere of bloc differences, the United Nations should seek to bring such conflicts out of this sphere through solutions aiming, in the first instance, at their localisation." This is what he termed 'preventive diplomacy'. The aim of such diplomacy was to fill the power vacuums between the main blocs. In such cases the United Nations assumes an independent (of power blocs and of the parties to the conflict) character and thus becomes acceptable to the nations. The United Nations "temporarily, and pending the filling of a vacuum by normal means,... enters the picture on the basis of its non commitment to any power bloc, so as to provide, to the extent possible, a guarantee in relation to all parties against initiatives from others." Obviously, such an attempt could be most fruitful in the area of newly emerging nations. Localisation of conflicts within this area would prevent the widening of the geographical and political area covered by the Great Power conflicts. Thus preventive diplomacy could make a "significant contribution in the direction of an ultimate solution of the differences between the power blocs."

In these respects Hammarskjold conceived of the United Nations as a third force. The United Nations' most significant contribution could be, according to him, in the process of decolonisation and nation building. He saw the United Nations as a special protector of the small powers and called it 'their' organisation. He approved of its description as the 'little summit' of the small powers but recognised that in order to serve them the United Nations needed to develop its operational capabilities so as to be not merely a kinatysk aea 'static conference machinery' but also 'a dynamic instrument of governments' - an executive organ with practical functions. These capabilities could be used for the tasks of 'realistic construction' because the
United Nations was assuming an independent position, thanks to the Secretariat and the presence of States within the United Nations for whom 'the principles of the Charter may weigh more heavily than direct or indirect partisan interests'. Hammarskjold often led these nations within the United Nations and felt that he had a special responsibility for them. A strong executive in the form of the office of the Secretary General was necessary, he felt, for the protection of their interests. He saw a role for the United Nations in the nation building process in the new countries where the United Nations, even with small financial resources, could help them in "the framing of their political life after independence and in the building up of the national state." In a world where competing and powerful nations sought newer and more subtle forms of dominance and influence he saw the role of the United Nations as the support of the independence of the small states "not only in the constitutional sense but in every sense of the word, protecting the possibilities...... to choose their own way without undue influences being exercised and without attempts to abuse the situation." He envisaged a growing role for the United Nations executive action in the conflicts resulting from decolonisation, both for filling the vacuum and for rendering economic, technical and other assistance. In all this the Secretary General was to have a leading share.

CONCEPT OF HIS OFFICE:

Dag Hammarskjold struck a contrast to the public and spectacular initiatives that his predecessor had taken, in his first statement to the press on arrival in New York. "I want to do a job, not to talk about it - not even afterwards, so much the less in advance", he said. His job was to "assist.... from the inside, those who take the decisions which frame history ....(He should) listen, analyse and learn to understand fully the forces at
work and the interests at stake, so that she will be able to give the right advice when the situation calls for it." He was to be active "as an instrument, a catalyst, perhaps an inspirer— he serves". This emphasis on what he termed, 'quiet diplomacy' fitted very well with his concept of the United Nations as a 'continuing diplomatic conference.' Early in his term he explained that the Secretary General was not to represent a 'third line' in the international debate, nor was he to initiate 'compromises' that might encroach upon areas that should be exclusively within the sphere of responsibility of the respective national governments. He was to anticipate situations that might lead to new conflicts and to make appropriate suggestions to the governments before matters reached a stage of public controversy. He might also express to the governments concerned his conclusions on issues before the organization, but such conclusions should be based only on the principles and ideals of the Charter. His relations with the governments should be of 'mutual confidence and trust' which would be impossible in an atmosphere of publicity. The Secretary General must be considered to be "in a position of trust vis-à-vis all the Member Governments." In the course of negotiations he must respect the laws of diplomatic discretion. Passing public judgment upon their policies would wreck the utility of the office for diplomatic purposes. While as a public spokesman for the Organization he might 'explain, interpret and defend' the Charter this should not be done so as to contravene his obligations as the representative of all Member Nations and the principles of the Organization. Above all 'he should not permit himself to become a cause of conflict unless the obligations of his office under the Charter and as international civil servant leave him no alternative.'

In this respect he likened his office and the Secretariat to the British Foreign Office. He wanted a balance to be struck between the open or conference
diplomacy, shrewd through the General Assembly and the Security Council, and the quiet diplomacy in which his office performed an important role.

The latter was complementary to the former. The fine line that he drew between the customary role of quiet diplomacy and the necessity of taking a public stand can very well be seen in the statement that he made before the Security Council on October 31, 1956. He said: "As a servant of the Organization the Secretary General has the duty to maintain his usefulness by avoiding public stands on conflicts between Member nations unless and until such an action might help to resolve the conflict." However the discretion and impartiality thus imposed on the Secretary General by the character of his immediate task may not degenerate into a policy of expediency. He must also be a servant of the principles of the Charter, and its aims must ultimately determine what for him is right and wrong. For that he must stand.

While basically he continued to believe in the efficacy of quiet diplomacy, he seems to have become more open minded after the Middle East crises of 1956 and 1958. Thus in his speech at Copenhagen he distinguishes between 'negative neutrality', where the Secretary General refuses to indicate a stand in emerging conflicts in order to preserve the neutrality of the office, and by inference, a positive neutrality where he takes a stand reflecting the 'independent judgment of the Organization.' But even in the latter cases to be successful he must retain the full confidence of the Member States at least, as to his freedom from personal motives and he must accept the limitation of acting mainly on inner lines without publicity. "In mine cases out of ten", he remarked "a Secretary General would destroy his chances by publicly appealing to opinion over the heads of the governments. Only in rare exceptions... this is what the situation requires, and
then he must of course be prepared to see his future value as a negotiator endangered or even lost. In the latter case, he ought, naturally, to resign from his post."

In the diplomatic field, right since his mission to Peking, Dag Hammarskjöld acted as a diplomat-negotiator in two capacities: as an executive arm of the General Assembly and the Security Council; and independently acting under, or on the margins of, Article 99 of the Charter. In this role authority flows both from Articles 98 and 99 and Hammarskjöld took advantage of this according to his convenience. Thus on his Peking mission and also in his approaches to the government of South Africa, without referring to the resolutions of the United Nations bodies in particular, he sought to negotiate in his capacity as Secretary General, presumably under Article 99. He took care to emphasize this aspect when, early in 1956, the Security Council entrusted him the task of bringing quiet to the Middle East. Aside from these, he stretched Article 99 to cover certain independent initiatives on his part. Thus he dispatched personal representatives to Laos, Cambodia-Thailand, with the consent or at the invitation of the governments, but without formal decisions of the United Nations organs. He contended that this action was in strict accordance with the Charter and fell within the competence of his office, when it served the Charter purposes. He conceded, however, that the United Nations organs could request that such an action before being taken by the Secretary General, should be submitted for formal decision. Such 'active preventive diplomacy' enables smooth and fast action where prior public debate might increase difficulties and where the Member nations are unwilling to formally commit themselves. He also agreed with the view that Article 99 conferred on the Secretary General not only the right to bring a matter to the attention of the Security Council- and where it is obliged to
consider the question — but also by implication a broad discretion to con-
duct inquiries and to engage in informal diplomatic activity in regard to
matters which may threaten the maintenance of international peace and security.

It was, however, the practice developed by the General Assembly
and the Security Council, of using the Secretary General as their executive
arm that raised a host of questions regarding the position of the Secretary
General vis-à-vis the representative organs of the United Nations and its
Member states. Hammarskjöld tried to see a parallel to his office in the
American political system, where the President is not merely subordinate to
the Congress but has sole responsibility under the Constitution for
execution of laws and in some respects for carrying out the authority
derived from the Constitution directly. Like the President of U.S.A., the
Secretary General's office combined in it both administrative and political
functions. This fact necessitated the consent of the Security Council for
his election. In fact, the unanimous support of the permanent Members was
made necessary only for his election and the Preparatory Commission rejected
a short term in order to shield him from undue pressures from the Members.
Hammarskjöld emphasized that the San Francisco Conference rejected the cabinet
system and made him alone responsible for the actions of the Secretariat.

He contended that in his capacity as executive, he was subordinate
to the General Assembly and the Security Council and could try to implement
their decisions provided they had taken "clear decisions on general terms of
reference." But where this was not the case he would be forced to undertake
a kind of policy making — a procedure which he conceived to be unsound from
the point of view of the Member nations. In his acceptance speech before
the General Assembly in 1953, he argued that the Secretary General should
(not) be asked to act, by Member states, if no guidance for his action is to
be found either in the Charter or in the decisions of the main organs of the United Nations." However, he believed that "it is in keeping with the philosophy of the Charter that the Secretary General should be expected to act also without such guidance, should this appear to him necessary in order to help in filling any vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safeguarding of peace and security."

Being an elected officer, representing all the Members, the Secretary General was often involved in diplomatic and political activities and "where negotiations are necessary or if arrangements with a certain intended impact are to be made, but Member nations are not in a position to lay down exact terms of reference, a natural response is to use the services of the Secretary General." This executive role of the Secretary General inevitably gave rise to the problem of interpreting the resolutions of the General Assembly/Security Council and the Charter. The problem could become acute if, as invariably happened, the operational resolution was in general and vague terms and did not give a clear mandate, or when the mandate apparently conflicted with the Charter as the Secretary General understood it. Since the interpretation of the Charter, in fields where the United Nations was engaged in executive actions, affected the parties, the questions of the neutrality of the Secretary General also became a matter of controversy.

Naturally when his interpretations were challenged, Hammarskjöld looked to the United Nations organs for advice and approval. He, on many occasions, invited these organs to share his responsibilities. But where such advice was not forthcoming and when his interpretations were challenged from outside he had "no choice but to follow (his) own conviction, guided by the principles" (like Article 100). Refusal to implement a decision because it was opposed to the interests of some members would be a dereliction
of duty. The essential requirement was that he should implement it on the basis of his exclusively international responsibility and not in the interests of a nation or a group of nations. He desired that a distinction be made between the "basic decisions" involving a political element where the cooperation of all parties concerned is necessary; and the stage of execution which should be left to the Secretary General as an international executive, which would insure an impartial execution of the decision. Of course, in the execution of the decision the Secretary General would be guided by i) the principles of the Charter; ii) the legal doctrines and precepts that have been accepted by States generally, and particularly as manifested in the resolutions of the United Nations organs; iii) where the execution involves problems of political judgment he should seek constitutional means and techniques to assist him, in so far as possible, in reducing the element of purely personal judgment e.g.: the permanent missions to the United Nations, Advisory Committee of the Secretary General composed of representatives of governments most directly concerned and diverse interests and position. iv) If all this still left some area of discretion large enough to draw the Secretary General into political controversy he must rely on his integrity to ensure impartial execution of decisions.

This directly touches the problem of neutrality of the Secretary General. In this respect Hammarskjöld likened his position to that of a non-aligned nation. His concept of neutrality was not negative but was a positive one. He argued that as a "spokesman of the Organization in its capacity as an independent opinion factor" he had a right to take a stand on questions especially when they concerned the principles and provisions of the Charter. To remain passive in such situations was to choose a "policy of expediency" because he felt that "the principles of the Charter are, by far,
greater than the Organization in which they are embodied, and the aims which they are to safeguard are holier than the policies of any single nation or people.' The Secretary General was the high priest of the 'Secular Church' that the United Nations was. He felt that the Secretariat represented the United Nations and the ideals of the Organization in relation to nations within as well as outside it. Though the decisions of the organs were binding on him, the Secretary General as the guardian of the principles of the Charter would have to be guided by those principles in determining what was right or wrong in any given situation. He felt an obligation to reconcile the mandates of the United Nations organs with these Charter principles. It was in order to remain loyal to these principles that Hammarskjold tried in the Congo not to let the U.N.U.C. intervene in the internal affairs of the nation or to use force not justified by the Charter. He was determined he would "rather see that office break on strict adherence to the principles of independence impartiality and objectivity than drift on the basis of compromise."

In his speech at the Oxford University which was in part a reply to Soviet charges of partisanship he discussed fully in concept of neutrality and emphasized how his office was inseparably bound with it. He conceded that in a 'very deep, human sense there is no neutral individual, because everyone... has to have his ideas and ideals.' But he argued that 'even such a man could carry through neutral actions because that is an act of integrity'. He explained 'there is no neutral man, but there is, if you have integrity, neutral action by the right kind of man... I am not neutral as regards the Charter; I am not neutral as regards facts'. He was neutral he said only in relation to interests. "In determining the quality of neutrality there was the question of integrity or conscience. While he may have sympathies, ides and antipathies, ideas and ideals, he should be aware of those
human reactions and meticulously check himself so that they are not permitted to influence his actions", he observed. "Is not every judge professionally
under the same obligation?" he questioned. Where the international civil
servant had such integrity and knew that his actions were guided by rules of
the Charter and recognized legal principles, then in spite of the inevitable
conflict and criticism that he would have to face he was neutral and was doing
his duty. His concern for integrity was almost a part of his personal ethics
which he had elaborated as early as 1955. He had said "international service
requires of all of us, first and foremost the courage to be ourselves.... it
requires that we should be true to none other than our ideals and interests —
but these should be such as we can fully endorse after having opened our minds
with great honesty, to the many voices of the world.... Far from demanding that
we abandon or desert ideals and interests basic to our personality, interna-
tional service thus puts us under obligation to let those ideals and intere-
sts reach maturity and fruition in a universal climate..... Intellectually
and morally, international service.... requires courage to defend what is
your conviction even when you are facing the threats of powerful opponents.
But while such an outlook exposes us to conflicts, it also provides us with
a source of inner security; for it will give us 'self respect for our shelter.'"

The Secretary General's view of his office reflects his view of the
organization, its functions and its future. UN diplomat himself conceived
of the United Nations as a living, growing organism capable of adjusting
itself to changing needs. New and useful forms of operation in conformity
with its purposes and principles but not explicitly provided in the Charter
may come into being, he believed. The United Nations was at an early stage
of development in its constitutional life, but he hoped progress in this
direction — new forms of contact, new methods of deliberation, new techniques
of reconciliation — would be made. In its present stage of development the United Nations may not be able to provide security and therefore may look like a preacher 'who can not impose the law he states or realize the gospel he interprets' but that would not render the ideal invalid. 'The United Nations is and should be, a living, evolving, experimental institution,' he asserted.

The United Nations was limited, he realized, not so much by the Charter as by the 'facts of international life.' Therefore a mere structural reform of the United Nations would not make it a world Government. He saw the United Nations as an imperfect but an 'indispensable instrument of nations working for a peaceful evolution towards a more just and secure world order.' To make such an evolution possible, he thought, a distinction should be made between the objectives of the United Nations, rules of the United Nations organs and their competence on the one hand, and the 'working methods' indicated in the Charter. Unlike the former, the latter would admit of a considerable degree of flexibility. They could be expanded in scope and new methods could be added to the old if they promised to be fruitful in the attainment of the objectives of the United Nations. It would be necessary, however, to ensure that these procedures were in consonance and not at variance with the objectives of the United Nations and the rules as they formulated by the United Nations organs. From this point of view, the practice of stationing permanent delegates at the United Nations, he regarded, was "the most important 'common law' development which has taken place so far within the constitutional framework of the Charter." The custom of charging the Secretary General with diplomatic and operational duties under wide terms of reference as also his sending personal representatives on request of the governments fell into this category.
Within a broad historical perspective Hammarskjold conceived of the United Nations as an experimental operation in the transition from the 'institutional system of international coexistence' to a 'constitutional system of international cooperation.' The Charter, though it establishes an institutional system has also a constitutional aspect as it expects adherence to its principles by all members. The same idea was put more forcefully in his last report to the General Assembly. He distinguished between two concepts of the United Nations; the Organization as a 'static conference machinery' for resolving conflicts of interests and ideologies with a view to peaceful coexistence, and on the other as a "dynamic instrument, through which they, jointly and for the same purpose, should seek such reconciliation but through which they should also try to develop forms of executive action undertaken on behalf of all Members, and aiming at forestalling conflicts and resolving them, once they have arisen, by appropriate diplomatic means, in a spirit of objectivity and in implementation of the purposes and principles of the Charter." Whereas the former concept would have a secretariat representing within its ranks those interests and ideologies, the latter concept would be serviced by a Secretariat, international in character and guided solely by the principles of the Charter, decisions of the main organs and the interests of the Organization. The former concept aims at achieving, at best, peaceful coexistence, the latter "envisages possibilities of intergovernmental action overriding such a philosophy, and opens a road towards more developed and increasingly effective forms of constructive international cooperation." Needless to say Hammarskjold held and supported the latter concept and thought it his duty to help the evolution of the Organization if only by "press (ing) against the receding wall that hides the future."
U Thant: United Nations and the Cold War:

U Thant, the successor to Dag Hammarskjold took office when the United Nations passing through a crisis of confidence. The Soviet Union had mounted a bitter attack against Hammarskjold, the late Secretary General, and had advocated a reorganization of the Secretariat along the lines of the 'troika'. The role of the Secretary General in particular was under severe attack by the communist members of the United Nations. They had demanded drastic changes in the very nature of the office but had accepted under pressure a compromise and abandoned the proposed Troika. U Thant in his acceptance speech spelled out the compromise thus. He proposed to invite a limited number of Under Secretaries to act as his 'principal advisers' on important questions pertaining to the performance of the functions entrusted to the Secretary General by the Charter and declared his intentions to work with them "in close collaboration and consultation in a spirit of mutual understanding." Coming from a non-aligned Asian country, he saw the Cold War as the chief obstacle to the settlement of international problems and the achievement of peace. He, therefore, favoured a non-aligned middle course in international politics. Thus on the one hand he felt the need to understand both the points of view in a Cold War situation and on the other he emphasized that there could be other points of view - a grey between the black and white - from which the problem could be approached. With evident approval he noted the change in international politics from bi-polarity to a 'tri-polar' and later to 'a multi-polar' situation with the emergence of non-aligned nations. He believed that with the removal of Stalin a change had occurred in Moscow and its leaders now believed in the philosophy 'not of the inevitability of the war, but of the imperative of competitive coexistence.' Similarly, changes had taken place in the capitalist philosophy also
Therefore, he deplored the atmosphere of mistrust and ideological fanaticism which might lead to war and make peaceful coexistence difficult. His experience in the Cuban crisis made him believe that within the context of the United Nations the issues of Cold War like Cuba, Berlin could be solved on the basis of 'compromise and the principle of give and take' on both sides.

Seven years later he was still of the view that 'in the final analysis, there can be no solid foundation for peace in the world so long as the superpowers insist on taking unilateral military action whenever they claim to see a threat to their security.' Only if they brought such issues before the United Nations could the moderating influence of the United Nations 'as a channel of friendly contact and informal discussion' help in solving the problem. He had earlier suggested 'temporary standstill agreements' on such issues while an effort was made to build a more permanent war-free international system. But he was realist enough to admit that apart from serving as 'a centre for harmonising relations' where one or more of the big powers were involved, because of the Cold War, the United Nations peace machinery was inadequate and weak. In fact, he said, the United Nations was not able to participate in peacekeeping or functions relating to the maintenance of law and order where a big power did not want it to. Effective involvement of the United Nations in situations threatening international peace and security is possible only if the big powers agree about the nature of the situations and about the need for United Nations intervention.

In line with the above view he regarded the effective cooperation and the pooling of the strength of the two superpowers as a necessary condition for the development of the United Nations into a world authority. An effective world authority like any government had to be based on power. Just as nation states grew out of the unifying power of the stronger feudal lords
so must a society of nations grow out of the needs of its largest and most powerful constituent members. No world authority could oversee the two superpowers physically. "All that seems possible is to employ the strength of the giant nations to back a system of preventing war between other countries."

War between the two giants could be averted by a 'balance of terror' on the one hand and a recognition of their part that their interest in world peace is greater than any of their political interests. The United Nations and smaller powers could contribute to strengthen this understanding by every means within their power. The superpowers held the master key to the peace of the world. The Security Council itself could act effectively if the two superpowers cooperated. Therefore, he concluded, "although the moral authority of the United Nations could be built up by channeling international activities through this useful instrument, its efficacy will always require, ultimately, the supporting enforcement of both the U.S. and the Soviet Union." In practice he from time to time called for a meeting of the big powers within the United Nations and while dealing with international crises involving smaller countries (e.g. Kashmir, Cyprus) advocated such cooperation on the part of the U.S. and the U.S.S.R. to influence the parties to solve the dispute peacefully. It is remarkable to note that he was willing to let the great powers use this 'pressure' not only for the prevention of war but even for the promotion of a peaceful solution of disputes between the smaller nations.

For example, he wanted the Permanent Members of the Security Council to take more effective measures to persuade the South African Government to abandon its Apartheid policies. Also, while commenting on the West Asian situation, he said on January 28, 1969 "the big powers must be actively involved in the search for peace either collectively or separately." For bringing about an agreement, he remarked, "so far as Security Council involvement is concerned, some sort of pressure is necessary. With regard to almost all the resolutions
adopted by the Security Council in the past, in any crisis situation, some degree of pressure has been necessary."

CONCEPT OF THE UNITED NATIONS:

While U Thant thought that if the United Nations was to have a future, it must develop in the same manner as a sovereign state and have the 'right, the power and the means to keep the peace,' he was well aware of the harsh realities, - the 'power politics' - which were an enemy of international order. Following Dag Hammarskjold he also noted the two concepts of the U.N.: i) a forum for debate and discussion; and ii) an "effective instrument for the maintenance of peace, for the prevention of war, and for the advancement of economic and social welfare," and declared that he believed in the latter concept. But he recognized that the United Nations was in a transitional phase of International Organization - from traditional diplomacy to a world legislature - and, therefore, it had all the weaknesses of a transitional stage: "great aims with small means, great responsibilities with little authority, great expectations clouded by deep suspicions, and hopes for the future constantly blurred by fears and prejudices from the past."

Lack of unanimity among the Great Powers and the development of nuclear weapons, he thought, had brought about a shift from the concept of collective security - Chapter VII - to that of peacekeeping with the help of smaller countries. As a Secretary General who had to deal with most of the United Nations peacekeeping operations, his views on peacekeeping are significant. He emphasized the voluntary nature of the operations and believed that the effectiveness of peacekeeping depended on the willingness of the parties to the conflict to accept, however grudgingly, a peaceful alternative to violence, even if they had no real will to peace in an enduring sense. However, peacekeeping was essentially a holding operation, a means and not an
end. "Its ultimate purpose in seeking to restore and maintain peace is to provide the time and the atmosphere of calm in which alone efforts to resolve the issues giving rise to the conflict may be hopefally solved." He deplored the tendency of these 'temporary expedients' to assume a 'semi-permanent character' when no progress in settling the basic issues was made. He warned that very often the presence of the United Nations operations became a disincentive to such an attempt. He wanted Member States friendly to the parties and the United Nations organs to take initiatives for settling the basic issues.

CONCEPT OF HIS OFFICE:

Though he stepped into office at a time when the Soviet attack on the role of the office of the Secretary General was in full swing, U Thant's conception of his office and its role essentially coincides with the one held by his predecessor. He admired the quiet diplomacy practiced by Dag Hammarskjold which had enabled him to bridge extreme positions held by parties to a dispute. In this respect U Thant also likened the Secretary General to the non-aligned powers which tried to mediate between the Cold War blocs. U Thant saw the office of the Secretary General as providing a 'useful middle ground on which the parties may meet without loss of face or prestige,' to compose their differences. Quiet diplomacy was also useful in situations potentially dangerous and enabled the Secretary General to act as a moderator in patching up differences between small nations. In all such situations, he observed, quiet diplomacy could make the difference "between a disastrous breakdown of understanding and communication and constructive advance towards a resolution of differences." His experience in the Cuban crisis seems to have given confidence in the possibilities open to the Secretary General in promoting greater understanding between the two superpowers. Thus he
accepted an extended term in November 1962 with the hope of playing a part in easing the tensions between the superpowers. He sought the assistance of his under secretaries in this task. It was again with this aim in view that he lent support to calling Big Four Summit at the United Nations under Article 26(2).

It appears that where Hammarskjöld saw the similarity between the position of the Secretary General and the non-aligned States, U Thant went a step further and argued that he should work for 'depolarisation' and promote a 'third force' or third world. He openly supported the position taken by the non-aligned States on disarmament and many other Cold War issues, attended meetings of Organisation of African Unity, of non-aligned nations, and advocated 'neutralisation' of countries like Laos, Cambodia and Vietnam.

In another respect also he saw an identity of functions between the non-aligned states and the Secretary General. He thought, it was the duty of the Secretary General to give expression to the 'still, small voice', the 'authentic voice of the conscience of humanity.' Thus in the Cuban crisis he appealed to the parties not merely as a Secretary General but as a 'human being,' and claimed to speak for mankind. Similarly in the position that he took on the Vietnam war, he asserted that he was trying to 'reflect the collective conscience of international community.' He argued that it was one of the functions of the Secretary General to understand and reflect the conscience and opinion of the international community. It was probably with such a conception of his functions in mind that he issued his statement on the Czechoslovak crisis (1968) and on the mass trial and execution of 15 persons in Iraq. He carried this conception so far as, at least on two occasions, to appeal to the public opinion of the country over the head of its government. Thus, on the issue of the United Nations peacekeeping in the Congo,
speaking on the Moscow radio, he said "Russian people do not fully understand the true character of the Congo problem. This lack of understanding is probably due to the absence of presentation of the other side of the coin, and I am sure that if only they have the means of knowing all the facets of the problem they will certainly revise their opinion of the nature of the United Nations involvement in the Congo and decide to shoulder their responsibility now being undertaken by the world organization in seeking a peaceful solution of the Congo problem. Similarly, in a press conference on February 24, 1965 he remarked with reference to Vietnam that "he was sure that the American people, if they only knew the true facts and the background to the developments in South Vietnam would agree with him that further bloodshed was unnecessary and also that political and diplomatic methods of discussions and negotiations alone could create conditions that would enable the U.S. to withdraw gracefully from that part of the world."

In addition to the above functions, he believed the Secretary General had the duty to take initiatives both within and outside the United Nations in trying to conciliate differences among nations. He stressed the powers that Article 99 conferred on him both specifically and by implication and called it "the most difficult and potentially the most important responsibility of the Secretary General." Thus he believed that if a particular development was likely to disturb international peace and security the Secretary General should come out with an appropriate statement or observation in order to focus public attention on that issue. He believed that in the use of this power two considerations must weigh with the Secretary General. Firstly, he must be prepared to take the initiative even at the risk of his position and prestige if he believed that it might mean the difference between peace and war. Secondly, he must maintain his independence position which
gives him freedom to act in the interest of world peace. However, he cautioned against frittering away of his powers and responsibilities in 'useless dramatic gestures' instead of employing them in hard work and negotiation. The powers should be husbanded to the best possible advantage in the common interest of all nations. Any initiative by the Secretary General in matters relating to peace and security requires a constant examination of the practical possibilities of effective action. It demands a constant weighing of the desperate need for maintaining peace, on the one hand, against the very limited actual authority and power of the Secretary General on the other. He threatened to decline a second term when he found it difficult to function in the manner he wished. He confessed experiencing increasing restrictions on the legitimate prerogatives of the Secretary General. He asserted: "I do not subscribe to the view that the Secretary General should be just a chief administrative officer, or...be a glorified clerk... besides the function of administration the Secretary General must take necessary initiatives in the political and diplomatic fields. These political and diplomatic initiatives... are an essential part of the functions of the Secretary General." He thought F.D.Roosevelt's intention to name the office as 'moderator' apt because his primary functions were 'to moderate, conciliate, to find a consensus, to harmonise, which would be in strict conformity with the language of the Charter.'

Naturally, the Secretary General will have to maintain his independence to perform these functions effectively. But U Thant would not agree to call this neutrality. Five days before his election as acting Secretary General he said in a television interview that it would be difficult for United Nations official to be neutral an any burning issue of the day. "Whoever occupies the office of the Secretary General must be impartial, but not..."
necessarily neutral" — just as the judges of a cm court are not neutral
between the criminal and the victim. The Secretary General also could
not be neutral on questions involving moral issues. Unlike Dag Hammarskjold
it would appear that U Thant was more flexible in the application of
mandates from the United Nations organs and in the interpretation of the
Charter and the United Nations resolutions. He gave the widest possible in-
terpretation to the United Nations resolutions in the Congo and did not
hesitate to use force, ostensibly, for ensuring the 'freedom of movement' for
the O.N.U.C. He proposed voluntary economic sanctions to end the secession
of Katanga. He disapproved secession in general, and — "the United Nati-
ons as such can not endorse or support any movement for cm secession" — and
thought it to be a duty of the United Nations to prevent it. Such view
might be justified in terms of the intentions of the Charter only if secession
was a clear threat to international peace. To a question regarding the lega-

lity of the Security Council resolution on Rhodesia he made the remarkable
reply, "as the Secretary General I have to comply with the decisions of the
principal organs of the United Nations. The Security Council in its wisdom
has adopted a resolution.... whether it is legal or illegal is not my busi-
ness to argue — I have to comply with the decisions of the Security Council."
On another occasion also, with reference to the executive tasks imposed on
the Secretary General he said ".... the Secretary General is very much a
servant of the Organisation and can act only within the mandates given to him
in a particular situation by the Security Council or the General Assembly and
in close see and continuous consultation with the members of the Organisation
and with the Governments particularly concerned in a given problem. Should
this cease to be the case, the position of the Secretary General would very
rapidly become so exposed as to be untenable." And if U Thant has been able
till now to be acceptable as the executive agent of the organization, it is
because he has followed the above prescription.
NOTES AND REFERENCES: CHAPTER II:

5. Ibid., p.35.
7. Id., op.cit., p.38.
9. Ibid., p.4.
10. Id., op.cit., p.99.
14. Ibid., p.334. The proposal was turned down by the U.S.
15. Ibid., p.425.
16. Ibid., p.424.
17. Ibid., p.
18. Refer Chapter I above.
19. A/Sec. 377 (V).
21. Ibid., p.164.
22. Ibid., p.166.
23. Ibid., p.167.
27. Ibid., p.42.
28. Ibid., p.42.
29. Ibid., p.12.
30. Particularly his role in supporting the Partition plan for Palestine and Irish case, Id., pp. 50, 162, 167.
31. Ibid., p.418.
32. Ibid., p.383.
33. Ibid., p.385.
34. Ibid., p.409.
35. Ibid., p.418.
36. Ibid., p. loc.(sic).
Ibid., at loc.cit.


76. Ibid. loc.cit.


81. Ibid. loc.cit.

82. Ibid. loc.cit.


83. Ibid., also see his address at Chicago Law School May 1, 1960, U.N. Review June 1960 p.30.


85. From Press transcript April 4, 1957 in Wider Foot Notes op.cit. p.136

86. Ibid. loc.cit.


90. Lecture at Oxford University op.cit. p.24.


92. Lecture at Oxford op.cit. p.25.

93. Ibid. loc.cit. p.27.


95. Address at Copenhagen op.cit. p.25.


98. Address at University of California June 25, 1955 op.cit. p.94.


101. Ibid. loc.cit.


103. Lecture at Oxford University op.cit. p.27.

104. Ibid. loc.cit.


106. Address at California University op.cit. p.94.

107. Ibid. p.96.


109. Ibid. p.128.


112. Ibid. loc.cit.


114. Ibid. p.27-28.
118. Address at Chicago Law School op.cit. p.27.
119. Refer Chapter I above.
122. Address at Carleton University Ottawa May 25, 1962 in U Thant op.cit.
p.229.
Ibid., pp.116-20.
124. Ibid., loc.cit.
125. Ibid., p.123.
128. Address to the United States Committee for the U.N. New York April
133. Ibid., loc.cit.
134. For example his policy in ending Katangese secession, transfer of
west Irian to Indonesia and in Cyprus. See Chapter V and VI below.
137. Ibid. loc.cit.
138. Address at Uppsala University Sweden in U Thant op.cit. p.142.
141. U.N.M.C. May 1964 VOLL. (a) p.72.
142. Ibid., pp.74-5.
also U Thant's Address before Harvard Alumni Association June 13, 1963
in U Thant op.cit. p. 274.
143. Introduction to Annual Report of the Secretary General 1966-67
144. Introduction to Annual Report of the Secretary General
1966-67 p.5. / GAOR/XXI/SUPPL1A (A/6301/Add1)
145. Introduction to Annual Report of the Secretary General
146. Introduction to the Annual Report of the Secretary General
1964-65 p.7. / GAOR/XX/SUPPL1A (A/6001/Add1)
147. Introduction to the Annual Report of the Secretary General
1965-66 p.5.
148. Address at Uppsala University op.cit. p.143.
150. Ibid. loc. cit.
152. U.N.M.C. November 1963 p. 29.
153. Ibid. p. 106.
154. U.N.M.C. May 1967 p. 87. He supported their views on the Vietnam War
156. Address at Uppsala op. cit. p. 144.

The press conference produced a sharp reaction in Washington. The
White House denied that it had received any concrete ideas and proposals
from U Thant. President Johnson was enraged and for days U Thant had
to clarify that American public opinion is "among the best informed
in the world." See June Bingham, U Thant of Burma (London: Victor
Gollancz Ltd. 1966) p. 225.

166. U.N.M.C. June 1965, p. 103.
167. Ibid., p. 104.
168. Ibid., p. 103.
171. Quoted in June June Bingham op. cit. p. 218.
172. SG/SM 569 493.
173. U.N.M.C. February 1969 p. 40
175. U.N.M.C. May 64. p. 83.