

**THE ROLE OF UNITED NATIONS
SECRETARY GENERAL IN WORLD POLITICS —
A CASE STUDY OF JAVIER PEREZ DE CUELLAR**

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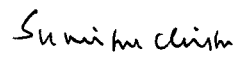
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CERTIFICATE

Certified that the dissertation entitled, **THE ROLE OF UNITED NATIONS SECRETARY GENERAL IN WORLD POLITICS - A CASE STUDY OF - JAVIER PEREZ DE CUELLAR**. Submitted by **M. RAJENDRAN** in partial fulfillment for the award of degree of Master of Philosophy has not been previously submitted for any other of this, or any other University. With best of our knowledge, it is his bonofide work.

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DEDICATED TO MY

PARENTS

INTRODUCTION

The Secretary General of the United Nations is the chief Administrative officer of the organization. And, the Secretary General of the UN is the, direct and immediate descendant of the Secretary General of the League of Nations.

Further, it is important to note that in the congress of Berlin in 1878, the development of 'International Secretariat', perhaps laid the basis for the secretariat and the office of the Secretary - General of the UN. (1) The next important development in regard to the UN Secretary - General's office was, the appointment of a chief executive in the League of Nations. He was to be appointed by the council, with approval of a majority of the Assembly.

But the powers assigned to the League Secretary <sup>General</sup> under the covenant on surface appears to be largely administrative in nature.(2). This seems to imply that the Secretary - General would have had to make his own contribution if he wanted to develop the office into a 'political force'.

Further, the permutations and combinations which are done now in electing the UN Secretary - General, has its origin in the League formation. It is important to note that the role expected to be played by the Secretary - General in the League of Nations was supposed to be in conformity with the title, which was presented by Robert Cecil the head of British delegation to the Paris peace conference, who had put forward the role 'expected' to be played by the chief of the future world Organisation(3).

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1) Walter D Gruyter, League of Nations in Retrospect (proceedings of a symposium organised by the UN library and Graduate Institute of International Affairs Geneva) New York 1983 - Pg 23.

2) League of Nations Covenant Article VI.

3) Ibid. Walter ,n.1, - Pg 31

(2)

And along with the expected role the title he proposed was 'Chancellor', which was rejected and the term 'Secretary-General' was accepted, as presented in the second draft of President Woodrow Wilson, on 2nd February 1919. (4).

Moreover, the role of League Secretary - General devoid of any explicit or implied powers had been a major handicap for him to act in a crisis situation. But the first Secretary - General of league Sir.Eric Drummond had perhaps been able to make some innovation by using his official capacity to make some kind of 'peacemaking' role when he visited Italy and Yugoslavia, when there was tension between these two countries.(5)

Further it may be noted that during the Dumbarton Oaks negotiations, debates had concentrated on the issue what the chief executive of the future world organisation be called. And the two important suggestions were, "World's Moderator and 'Secretary General' as suggested by President F.D Roosevelt. And it seems the titles were debated with view of the power and authority the chief executive was supposed to get under the Charter, and the role he may have to play in future in such capacity. Finally the title 'Secretary General' was retained, who was to have external political prerogative of the president and along with it the administrative responsibility of the Secretary - General. (6)

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4. Ibid - Walter - n.1, - Page 31, 32.

5. Stephen M Schwebel. The Secretary-General of the United Nations his political power and practice. ( Greenwood press publishers New York 1969) Page 8.

6) Ibid 17.

And, to examine the role of the Secretary - General in world politics, it is important to understand his position enshrined in the Charter.

Therefore the first chapter of this dissertation aims at examining and understanding the Articles 97 to 101, which primarily deals with his appointment, powers and prerogative. And in the second chapter an attempt has been made to assess the personality factor, which seems to have played an important role in the Secretary - General's election and in his working in such capacity, by examining the profile of Javier Perez De Cuellar and his election as the Secretary - General of the UN.

Further, the United Nations which has played an important role in peace keeping operations, has widened the power of the Secretary General in this activity of the UN. Therefore in the third Chapter, an attempt has been done to examine the role of the UN Secretary - General in realm of the UN peace keeping operations and the problems he may/had to face in such activity, and the future prospects of his role in the UN peace keeping operations.

And in the last Chapter of this dissertation, an assessment will be attempted to assess the role of Javier Perez De Cuellar in some important Crisis in which he was involved in his capacity as the Secretary - General of the UN with a conclusion.



CHAPTER - I

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THE ROLE OF THE UNITED NATIONS SECRETARY GENERAL  

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AS ENVISAGED IN THE CHARTER.  

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Before an insight on the role of the UN Secretary - General as envisaged in the Charter is done, it is important to know about the background of the office, of the Secretary - General as it has evolved in time. When, during the second World War, the shape of a new international organisation was being considered, much attention has been given to the role of the Secretary - General.

The experts who were engaged in the drafting of the Charter, seems to have been inspired by various experiences and experiments of league and numerous international bodies like I.L.O which is reflected in the various debates at the Dumbarton Oaks and San-Francisco conferences.

And a compromise formula, seems to have been evolved by the smaller and major powers, as is evident in the various debates at the Dumbarton and San-Francisco, in the evolution of the office of the UN Secretary - General in regard to his authority, responsibility and power. United States of America had submitted a proposal at the Dumbarton Oaks Conference, which had provided for a Director-General "elected by the General Assembly with the concurrence of the executive council".(1).

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1) Goodrich L M and E Hambro Edward and Simons A P : Charter of United Nations : Commentry and Documents. 3rd Revised edition (New York : Columbia University Press. 1969) Pg-573.

He was to be assigned with some administrative and secretarial responsibilities, but interestingly there was no specific mention about his political responsibilities. Though the negotiations reflect that, they were in accord with the spirit of U.S draft, there seems to have been a "general desire" to create a chief permanent officer who would be "effective" administratively and politically. (2).

#### TERM AND APPOINTMENT

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The article 97 of the Charter states :-

"..... The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council."

At the Dumbarton Oaks conversations, the four negotiating governments (namely U.K, U.S.A, China and Soviet Union) had reached an agreement on provisions regarding the functions powers and method of selection of the Secretary - General.

And at San Francisco, the discussion had centered on the manner of choosing the Secretary - General and the selection of his principal deputies along with this was discussed his term of office. China along with U.K, U.S.A and Soviet Union introduced an amendment to the proposal which have relevance to the Dumbarton Oaks draft.(3)

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2) Stephen M Schwebel: The Secretary - General of the United Nations his political powers & practice. (Greenwood Press Publishers New York 1969)Pg-18

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(3). It stated : There should be a secretariat comprising of a Secretary-General and such staff as may be required. The Secretary-General should be the chief Administrative officer of the organisation. He should be elected by the General Assembly on the recommendation of the Security Council, for such term as under such conditions as are specified in the Charter.

Under this amendment the Secretary - General and his deputies were to be elected on the recommendation of the security council. The tenure for both was three years, with a provision for reelection given only to the Secretary - General. The small and middle powers resisted the amendment on the question of Secretary - General's deputies, mode of selection and their numbers. The reason for a strong resistance, perhaps lay in the 'genuine' fear that the deputies will certainly be the citizens of permanent members of the security council.(4).

Thus, this proposal of major powers seems to have been aimed at strengthening the office of the Secretary - General and the desire of the major powers to safeguard their influence. The draft was finally defeated, the reason for the defeat may have been due to the feeling or a move among the most states including some major powers to safeguard the authority and responsibilities of the Secretary - General in the choice of his subordinates rather than to provide an opportunity to the permanent members of the Security council, that persons acceptable to them would be appointed to these important posts.(5)

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(4) Smaller states seems to have insisted that the provision for a three year term be dropped on the ground that the short term would make the Secretary - General too dependent on the permanent members. - in n.2, Pg.21

(7)

The second San\_Francisco debate, took up two interrelated issues; the tenure of office of the Secretary - General and his procedure of selection. As far as his tenure was concerned the three year suggestion was initially approved because the majority of the delegates were of the view that it was an "adequate method of attracting outstanding candidates.....and at the same time protecting the Orgnisation from the lengthy tenure of an unsuitable Secretary - General ".(6)

And, the discontentment which was there among some members was taken into account by the preparatory commission whose recommendation were adopted; (7). The preparatory commission fixed the tenure of the Secretary - General at five years.

It seems that an agreement was reached at the preparatory commission and, it was preferred that the appointment of the Secretary - General "Should be renewed only once on the general ground and a change in the personality and a rotation in the nationality of the Secretary - General would be desirable "(8).

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6. Ibid. Pg. 574

7. Schwebel, n.2, - Pg. 33

8. Ibid -n.2, Pg. 34

However there seems to have been a strong resistance put up by smaller powers to give the permanent members of the security council a Veto over the choice of the Secretary - General. But once an agreement was reached on the security council voting procedure, there was reluctant acceptance of the fact that the recommendation of a candidate by the council was not a simple procedural question, but also included with it the personality, competence and reputation, and most importantly the acceptability of the major powers.

But, having yielded to the major powers on the question of veto, the smaller states perhaps were unwilling to accept the provision specifying a specific term, since it was possible that this would make the Secretary - General, too dependent on the permanent members of the council. It is, the possible reason that any reference in the Charter, for a specific term of office or possibility of reelection or disqualification is absent.

The considerations on article 97 concluded, that the Secretary - General would be deemed to have been elected from the General Assembly if the candidate gets a two thirds majority vote, it has been further specified that a simple majority of its members present and voting would suffice and a motion was also passed by the Dutch by which the phrase "the Secretary - General shall be elected " as the Dumbarton Oaks put it was altered to read " the Secretary - General shall be appointed ". (9)

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9. GAOR, 17 th plenary meeting 1946 DOC A/11 page 269 para 4(C) of Jan 31.  
The Resolution was adopted by unanimous vote - 47.

APPOINTMENT

The use of the word "appointed" instead of "elected" may have been suggested by the fact that the office of the Secretary - General at that time was conceived as being primarily an administrative office. (10)

However, another factor in changing the word from 'elected' to appointed, could have been, that a feeling of authority and importance will be realised in the General Assembly. But it is to be remembered that General Assembly can appoint a candidate only after the Security Council has sponsored a candidate.

On the other hand the sponsoring of the candidate from Security Council meant he/she will be selected by negotiation and in closed meeting and perhaps such an exercise was to be done to ensure that the candidate will assume the office with least embarrassment which normally occurs in an election.

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10. Russel, B. Ruth : A History of the United Nations Charter. (Washington Brooking Institutions, 1958) Pg. 854 - 58.

As far as the tenure of the Secretary General's office is concerned there is no specific period explicitly mentioned in the Charter, but the five year term proposed by the preparatory commission and adopted by the General Assembly, provided the necessary definition of his tenure.(11)

However the terms of appointment has not provided any method of removal of the Secretary - General, who might prove unfaithful to his 'Oath', incompetent or might become insane. Moreover there is no provision in the Charter for resolving a deadlock, if the permanent members of the Security Council are unable to agree on the candidature for the office of the Secretary - General. This problem came to the fore many times, under different circumstances.

And, it is important to note here, that the preparatory commission in its report and the General Assembly in its resolution did expect such a situation and had said that, 'there should always be one Assistant Secretary - General designated by the Secretary - General to deputize him(12.

The General Assembly was confronted with the above mentioned eventualities, once in regard to Mr. Trygve Lie's term in 1951 and secondly when Mr. Dag Hammarskjold died in 1961. The tenure of the Secretary - General Mr. Lie was to expire on February 2nd 1951, and no recommendation was available from the Security Council because of the disagreement among the permanent members.

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11. See Page 7

12. E. Hambro and Simons . A P n.1, P-582

But the General Assembly amidst strong protest from Soviet Union extended the term for three more years(13). This action of the General Assembly can be termed as a move realistic though legally less sound. This is evident from the statements made in the General Assembly where the majority based their action on " the necessity to ensure the uninterrupted exercise of the functions vested by the Charter in the office of the Secretary - General" (14).

It is important to note that many improvisation were suggested to tackle the problem of the term of office. Egyptian and Syrian proposal aimed at giving more power to the General Assembly ( if a stalemate took place in Security Council in sponsoring a candidate) by making provision under which the Security Council could send the names of candidates who enjoyed a considerable support among its members and one was to be elected by the General Assembly getting the majority vote.(15)

But then it was unlikely to succeed since there seems to have been no such strong move from the proposers themselves and those who supported it perhaps were aware of the fact that it could have made the permanent members of the Security Council to surrender some part of their power in the choice of the Secretary - General . And moreover, any permanent member could block such a move by exercising its power of veto.

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13. GAOR, 5th session/296 plenary meeting Oct 31 1950. Agenda item 17. appointment of Secretary - General of the UN. A/1439 & 1460. Pg 15 - 27 & General Assembly Resolution 492(V) November 1, 1950. A/1470. vote 46-5-8.

14. E. Hambro and Simons . A P n.1, Pg - 584

15. Ibid Pg - 585



Perhaps, under such circumstances it is felt that "some ingeniously balanced political solution involving an assembly vote". on the issue could be referred to a 'detached' body like International Court of Justice; or atleast a provision directing the Assistant Secretary - General rotate in office, if the agreement is pending among the permanent members can be done(16). But much would have depended upon the neutrality, and acceptance of the Assistant Secretary - General by the UN members.

### DESIGNATION

The pronouncement in the Article 97 of the Charter concludes that the Secretary General " shall be the chief administrative officer of the Organization ", may seem to reflect his official position as a modest one, simply dealing with preparing of documentation, the draft reports and the preparation of summaries.

But the importance of these functions has been highlighted in the report of the preparatory commission which said:

"While the responsibility for framing and adoption of agreed international policies rests with the organs representative members.... the essential task of preparing the ground for those decisions and of executing them in cooperation with 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"(17).

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16. Schwebel, n.2, P - 243

17. Ibid 44

Thus the Article 97's generalized position in the Charter describing the Secretary - General's position conveys nothing about his political character, which has been, perhaps conveniently left to the interpretation of the Article 98 and the terms of Article 99 of the Charter.

#### FUNCTIONS

The article 98 of the Charter states : -

"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".

Thus, the Secretary - General of the UN being the Chief administrative officer is to get the report on the working of these organs and may send messages as proposals to them. The phrase "shall act in that capacity" directs the Secretary - General to take part in the working of the organs mentioned in the article 98 has followed the league practice ( Article - 6 (4) of the covenant). This function has also been explicitly or implicitly provided in the Rules of procedure of the General Assembly, Security Council, Economic and Social Council and Trusteeship Council.(18)

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18. General Assembly Rule 45 , Security Council Rule 21, Economic and Social Council Rule 28, Trusteeship Council rule 23.

The above mentioned rules in regard to the Secretary - General's relation with the organs mentioned in the Charter were drafted by the preparatory commission. These were only provisional(19). The permutation and combinations of these provisional rules were done by the respective organ as is evident in the change of words in the Rules of procedure drafted by the preparatory commission and as such in the final document of the respective organs, Rules and procedures.

The concluding line of article 98 states :-

"The Secretary - General shall make an annual report to the General Assembly on the work of the organization". But as has been seen in the, 48 odd years of this office, This provision in the Charter of presenting the annual report is more than just representation of facts.

Moreover, it is important to note that the General Assembly, in its second session had adopted a resolution in which it sought to bring the attention of the Security Council and various commissions appointed, the need for utilizing the maximum potential, of the secretariat(20).

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19. Report of the preparatory commission Pg - 90 - 82 .

20. GAOR, General Assembly Resolution 183 (II), October 28, 1947. 97th plenary meeting. It said " The General Assembly draws the attention of three council and their commission as well as of the commission appointed by the assembly itself to the desirability of utilizing to the utmost the services of the secretariat.

IS THE OFFICE (IN ARTICLE 98) ADMINISTRATIVE IN NATURE ?

The resolution mentioned in the earlier para seems to emphasize, the Charter provision directing, that the Secretary - General "shall perform such other function as are entrusted to him" (21). This resolution may also be interpreted as Secretary - General being provided with the responsibilities involving the exercise of considerable discretion and political judgement.

This can also be interpreted as a 'restrictive' (22) ie. it could be held that he is 'not' to assume or perform any function relating to the activities of these organs unless and until entrusted to him.

And thus when the Secretary - General is to act, he might find himself handicapped, by a situation where a resolution of the General Assembly or the Security Council initially directs him to act in consultation with the governments concerned and in accordance with the Charter, but may not be in a position to give directives in the face of a new development in regard to that particular assignment.

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21. Charter of the U N. Article 98

22. Ibid Article - 48

The Korean and Congo experiences provide a striking examples of such crises. And the effect of Korean crisis was, the then Secretary - General Mr. Trygev Lie had to resign from his office - under strong attack from the Soviet Union(23). The Soviets again attacked the next Secretary - General Dag Hammarskjold challenging his authority to act (in Congo crisis) and tried to put forward their argument in support of "Troika" (24) as a solution for tackling such crises.

Perhaps, at this point it is felt that the provision in the Charter (Art 98) authorising the Secretary - General to submit the 'annual report' may play an important role in giving the Secretary - General freedom to air his proposals, (which have been sometimes controversial) and some times to substantiate his actions. Moreover, the need for submitting such a report is required under the General - Assembly Rules of Procedures and in Article 15(1) of the Charter, (25). Thus, howsoever administrative the function may look, the role of this function has an important connotation.

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23. Trygev Lie, In the cause of Peace. (New York, Mac Miillan, 1954) Pg - 29. He was also strongly criticized by U S A, which had developed a feeling that he was being pro - soviet, when he recruited a large number of Soviet Citizen for UN services.

24. Under this proposal a single Secretary - General would have been replaced by three officials of equal power acting in unison. One each representing their nation. Had this proposal succeeded, the office of the Secretary - General would have been subjected to Veto and could have still been paralyzed by it, as the Veto has demerits of its own.

25. The General Assembly Rules of procedure. The rule 38 states the Secretary - General shall not only make annual report but also "such supplementary reports as are required".

Besides these functions the Secretary - General, is to play a very important role in such capacity under Article 99. The Article 99 of the Charter states: -

"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 ."

The article 99 which had been accepted earlier at the Dumbarton Oaks conference stated that a permanent officer of the post-war International Organization should be endowed with specific 'political' prerogatives, which was lacking in the League Of Nation. And which perhaps had made the first Secretary - General of the League exclaim.

*" I Wish article 99 had been at my disposal ". (26)*

It is important to note here that under the League covenant the Secretary - General's role was strictly limited and did not in general, go beyond administrative and management tasks.

And, as a result, perhaps an attempt had been made to give the Secretary - General an obligatory power by inserting the word 'shall' instead of 'may bring' to the attention of The Security Council, but it seems the powers supporting the earlier phrase could not muster enough support to carry the motion forward (27).

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26. Sch webel : n.2, Page - 17.

27. Ibid 20.

Further, Uruguay and Venezuelan proposed two motions at San Francisco. The former proposal aimed at authorizing the Secretary - General under article 99 to bring to the attention of the organization, matters relating to domestic infringements of the Charter Principles. The latter's proposal was aimed at giving the Secretary - General right to bring matters concerning threat to international peace and Security before the Security Council, "and / or before General Assembly" (28).

However both the proposal were voted down. The Uruguayan amendment was rejected by three votes(29). The Venezuelan proposal was also rejected, the arguments for rejection seems to suggest that a vagueness in the phrase could impinge upon the Security Councils primary responsibility of maintenance of peace and Security. (30).

The preparatory commission referring to the Secretary-General's right under article 99 stated :

" In .... articles 99 of the Charter .. he has been given a quiet a 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 matters..... which in his opinion may threaten the maintenance of international peace and security , "it was 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 judgement , tact and integrity (31)

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28. Ibid 20.

29. Ibid 20 - 21.

30. E. Hambro and Simons A.P. : n.1, Pg- 93.

31. Vratislav, Pechota; The quiet approach. A study of the Good offices exercised by the UN Secretary - General in the cause of peace. (UN institute for training and reserch New York 1972) Pg - 6

NATURE AND INFLUENCE OF ARTICLE - 99

The fact that Secretary - General's authority under article 99 extends to responding of any development ie, for example in economic and social fields which in his view could have serious political implication provides, considerable potential for bringing to the attention of the security council violations in regard to human rights and which in his opinion may be so grave that it can threaten the maintenance of international peace and security , as has been pointed out by Prof . Lauterpact (32)

He further points out that, the clause of domestic jurisdiction of article 2 para 7 presents no impediment in the way of the exercise of this particular function of the Secretary - General. Moreover the matters referred to in article 99 he believes, are not, by definition essentially within the domestic jurisdiction of any state(33).

And it is a fact that now, with the development of science and technology, the clause of domestic jurisdiction is more in paper than in practice.

But the legal consequences brought about by the development and application of the principle embodiment in art 99 Perhaps are what makes it the prime source of prerogative of the office and the basis for the concept of 'preventive diplomacy'.  
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32. Schwebel n.2, Pg. 35

33. Ibid. Pg. 235



Besides this, it is generally accepted convention from the league times, the right to take preliminary steps ie to make investigation and enquiries (34) about any crisis threatening to create problems in the maintenance of peace and security in the world. And as a matter of strategy, he may exert his influence so that it will not be necessary for him, formally to bring it to the attention of the security council.

Moreover, since the Secretary - General exercises his influence in order to promote a settlement, the logical step would be that he should be able to help or persuade the disputing parties to reach an amicable solution and thus reducing the threat to international peace and security. Representatives of the Secretary - General can also be appointed with the consent of the governments concerned who can keep the Secretary - General apprised of the latest developments. (35).

The article 99 can also be interpreted as giving the function of the Secretary - General (under art 99) a specific legal justification for an extensive informal, behind the scene negotiations. This activity is diplomatic in nature and the activity in question has been characterised as "quiet diplomacy" and "preventive diplomacy" (36).

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34. E. Hambro and Simons A.P. : n.1, Pg - 591.

35. Examples are Cyprus in 1964 and Afghanistan in 1982, Iran - Iraq in 1988.

36. E. Hambro and Simons A.P. : n.1, Pg. 59.

Moreover, without this implied competence, the Secretary - General could have hardly under taken the peace initiatives such as, in releasing of U.S. airmen in Communist China in 1954 and two years latter in the Suez Canal crisis Hammarskjold on his own authority had initiated private negotiations between the foreign ministers of Egypt , Britain and France (37).

Besides this, the third Secretary - General U.Thant in Baharin in 1970 and next Secretary - General Kurt Waldheims role in the release of French hostages from Algeries(38) and in Iran and Iraq conflict amply demonstrates the use of implied powers of Article 99 in the Charter. But it is wrong to assume that this can work out in all the cris@s, the Afghanistan and Somalian crisis seems to demonstrate the failure of the Secretary - General in these cris@s.

But it can be concluded that the initiative to bring or maintain peace and security lies with the Secretary - General. Besides in his official capacity he can most of the time approach the parties to the dispute to settle the issue on their own or with his help. Today, the role of the Secretary - General depends on how he wants to act.

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37. Pechota. n. 31, Pg. 3.

38. Thomas. M Frank in; Benedict, Kingsbury and Adams Roberts : The United Nations : Divided world the role of United Nations in International

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Relations (London : Ox ford Clarendon Press - 1989). Pg. 87

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LOYALTY AND INDEPENDENCE OF THE SECRETARY - GENERAL

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The league experiment had shown that the personels could be loyal and effective and that their dedicated and sincere services to the world community are possible and practicable , but at the same time the examples of Italian and German Under Secretary - General's disloyal ty to the world body are also present (39) and perhaps this may have been one of the factor which made the framers of the Charter to make loyal ty to the office explicit in the article 100.

The article 100 states :-

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

(2) Each member of the United Nations Undertakes to respect the exclusively international character of the responsibilities of the Secratary - General and the staff and not to seek to influence them in the discharge of their responsibilities."

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39. Schwebel n.2, Pg. 46

The Dumbarton Oaks proposals strangely were silent on this matter. But at the meeting of foreign ministers of the sponsoring governments they had agreed that provision emphasising the maintenance of neutrality by the Secretary-General in his service should reflect in his loyalty to the office (40).

However it is to be realised that the loyalty needed to be shown by the Secretary - General does not derogate his nationalism, but is a necessary requirement of it. The preparatory commission clearly clarifies this, in its report it observes:-

" It is essential that officials should be inspired by a sense of loyalty to the UN and devotion to the ideal for which it stands, ..... loyalty to the organization is in no way incompatible with an official attachment to his own country, whose higher interest he is serving. In serving the UN it clearly involves, however a broad international outlook and detachment from narrow prejudices and narrow national interests" (41).

But, howsoever sincere may be the desire, to have or to develop the international outlook had been on the part of the Charter framers its possibility is perhaps hinged by the absence of a concept of international citizenship, perhaps this is the reason that the action of most of the Secretary - Generals have been challenged.

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40. Ruth. B. Russell : A History of the UN Charter ( Washington Brooking Institution 1958) Pg. 861 - 62.

41. Report of the Preparatory Commission - Pg. 85

And the most prominent was the Congo crisis, where the Soviet Union had blamed the Secretary - General of siding with the colonialist. It is here that 'Troika' was again sought to be justified by the Soviets. But the position of the Soviet Union was rejected by majority members because they believed that implementation of the Soviet proposal would have destroyed the secretariat's effectiveness (42).

Besides the neutrality, another important characteristic the Secretary - General was to have, was independence, so that he could carry out his functions without fear or favour. Article 100(2) clearly expresses this view, "members of the UN should not" seek to influence the Secretary - General, in discharge of his responsibilities (43).

#### POWER TO APPOINT HIS STAFF

An important administrative role the Secretary - General is to perform is appointment of his staff. In regard to this role the Charter authorises the Secretary - General to appoint his staff as envisaged in article 101, which states : -

1. " The staff shall be appointed by the Secretary - General under regulations established by the General Assembly.

2." Appropriate staff 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.

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42. E. Hambro and Simons A.P. : n.1, Pg - 589

43. UN Charter Article - 100 (2).

3. The paramount consideration in the employment of the staff and in the determination of the condition 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".

Thus the article 101, gives the Secretary - General the exclusive power of appointing the staff of the Secretariat. A proposal made at San Francisco had suggested that deputy Secretaries General are to be appointed as the Secretary - General is appointed. But the proposal was opposed by majority of members, as they felt it could have hampered the authority of the Secretary - General.(44)

Besides it is, also possible that the care he will take in the selection of his associates for their integrity of approach and capability of performance will evidently reflect the character and range of influence the Secretary - General can exert.

The articles 101(3) of the Charter broadens the Secretary - Generals appointative role and may also be an important factor by providing him a legal basis to resist the political pressure.

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Some times it has been suggested that the Secretary - General would be able to act more efficiently if he is relieved of external political pressure with regard to appointment of the staff of Secretariat (45).

The suggestion may be helpful to some extent, but, firstly it is an underestimation of the ability of the incumbent in generalized manner and secondly the UN experience has shown that it is not so important that it has to be obviated at the price of cancelling his power to choose his staff.

However the Secretary - General's ability to ward off any political pressure may be to some extent lowered by this obligation to pay "due regard" in recruiting the staff" on as wide a geographical basis possible on the other hand the "due regard" can be used to give proper representation (46).

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45.Schwebel n.2, Pg. 45

46. The General Assembly in its Resolutions 1559 (XV) December 18, 1960  
(On the Geographical distribution of the staff of the secretariat ) affirmed "In view of its International Character, and in order to avoid undue predominance of national practices, the policies and administrative methods of the Secretariat should reflect, and profit to the highest degree from assets of the various culture and technical competence of all member nations".

CONCLUS ION

The role assigned to the Secretary - General in the Charter has helped the growth of the secretariat assume a prominent role in the maintenance of international peace and security. The administrative and political nature of the office is inherent in the Charter articles specifying the role to the Secretary - General.

And, however noble may be the Charter provisions in regard to the office of the Secretary - General are, it is the individuals character and the state of global political environment at that time which gives the true essence<sup>C</sup> to the role of the Secretary - General of the UN as envisaged in the charter.

In the ensuing chapter an attempt will be made to understand the important role, the personality of a candidate plays, in his election to the office of the UN Secretary - General, by examining the factors responsible for Javier Perez De Cuellar's election as the UN Secretary - General.

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CHAPTER - II

PROFILE OF JAVIER PEREZ DE CUELLAR AND HIS ELECTION TO THE

OFFICE OF THE SECRETARY GENERAL

The office of the Secretary - General of the United Nations from the day of its inception has evolved into an important part of the UN. There have been claims and counter claims regarding the growth of power of this office, and the debate on this matter has not ceased.

But at the same time, a fact which is reflected from the various debates at San Francisco and at the Dumbarton is that the framers of the Charter had perceived this office of the Secretary - General to play an important role in the United Nations and in world affairs.

And, since the Secretary - General being the Chief spokesman and the Chief administrative officer of the United Nations, there was bound to be some growth of power in his office, as he in the same capacity has to look after the work of other organs of UN which may be entrusted to him by them (1). And article 99 of the Charter had hidden potential or as some claim a 'loophole,' and, which has been used by some Secretary- General like Dag Hammarskjold for good. Moreover here have been number of other factors which have contributed to the strengthening of the office of the UN Secretary General.

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1.Art 98. The Secretary - General shall act in that capacity ..... and shall perform such other functions as are entrusted to him by these organs.

(29)

Among the many factors, some of the important factors which have strengthened the office of the Secretary - General are :

(a) THE GLOBAL POLITICAL ENVIRONMENT

There have been many crisis in the world, which had left the the Security Council in a situation from where it could not have functioned, as the Charter had envisaged their organ of the UN to act in such crisis. As a result the power to act in such circumstances has gone to the General - Assembly. One such example is the " Uniting for peace Resolution " which was adopted by the General Assembly on 3rd November 1950.(2)

But this power to act on the part of the General Assembly in 'such circumstances', was further delegated to the Secretary - General. For example in 1956 the Secretary - General was asked by the General Assembly to deal with the Middle East crisis (3).

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2. GAOR G.A resol. no. 377(v)

3. An embarrassing situation arose in 1956 when two permanent members of the Security Council namely Britain and France, had launched an attack with Israel on Egypt and had used their veto power, on an US resolution in Security Council for withdrawal of the three forces from Egypt this had resulted in a stalemate in the security council.

Another important factor which has contributed to the growth of this office is :

(b) BY THE LIBERAL INTERPRETATION OF THE CHARTER PROVISIONS.

The first Secretary - General of the UN Trygve Lie has asserted that the Secretary - General had the right to make enquiries and investigations of his, which included sending of representative of his, and upon which he could take a decision, on the right to bring to the attention of the Security Council as provided in the Charter(4)

Perhaps, by such an assertion, a precedent was set for the liberal interpretation of the Charter provisions. This had enhanced the power of this office. This was further justified by U Thant, who observed that the Secretary General was an independent and Sovereign authority who could influence various decisions of UN by his implied powers which are not given to him explicitly in the Charter (5).

The above mentioned activity, it has been observed that, it can be successfully carried on, if the personality of the incumbent possess the ability to act as politician, diplomat and civil servant as the situation requires him to be. And it has been seen that this personality factor has always played an important role since the league of Nations, in being elected to this office.

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4. SCOR, first year. 7thmeeting - page 404

5. UN monthly chronicle vol vii, no.7, July 1977 Pg 124

Thant U. "A quiet UN road to accord".

Therefore, a profile of Mr. Javier Perez De Cuellar is sine qua non before an assesment on his election to the Secretary - General office can be done.

PROFILE

Mr. Javier Perez De Cuellar is a lawyer by profession and career diplomat. Before joining the UN he had served as Peru's ambassador to Venezuela, the Soviet Union, Poland and Switzerland. He had also served as Peru's permanent representative to the UN, and had also worked as Secretary - General's special representative in Cyprus and also Under - Secretary - General for special political affairs.

He joined his country's foreign ministry in 1940 and was inducted into the diplomatic core in 1944. For next six years, he served as Secretary at the Embassies of Peru in France, U.K, Bolivia and as a counsellor in Brazil (6).

His raise in Peru's foreign service from 1961 to 1964 seems to be quiet rapid as compared to the normal procedure, and perhaps the reasons for this lay in his association with the top brass in Peru's politics. Immediately after his return from Brazil's assignment, he was made the Director of legal and personal departments in the foreign ministry of Peru. By 1962 he was designated to the rank of Ambassador and by 1963 he was made the Director of Administration, protocol and political affairs (7).

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And, by 1966, he was made, the permanent under secretary and Secretary - General of the Foreign office . By now he had successfully completed his tenure as Peru's Ambassador in Switzerland for two years (1964 - 66). He also has the credit of being the first ambassador of Peru to Soviet Union and then to Poland (1969 - 71). (8).

Perhaps, his long association with the United Nations was an important factor in his selection as the Secretary - General of the UN . At a young age of 26 years, he was selected as one of the delegates of his country to the first session of the General Assembly , and which may be termed as a rare privilege or recognition of his ability. He again visited the UN as Peru's, permanent representative to its 25th session and participated on his country's stand till the 30th session (1971 - 75). He also served as the president of The Security Council. Once in 1973 and in 1974, This was the period when he was his country's permanent representative in the Security Council . It was also the time when the Cyprus situation had taken an important turn, and it was the time when Mr. Perz De cuellar was transformed into an international civil servant from a national civil servant.

But, it was not untill 1975 that Perez De Cuellar received an opportunity to function as full fledged international civil servant, when he was chosen by the then Secretary - General Mr.Kurt Waldheim who choose him to act as his special representative in Cyprus.

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And, perhaps, this was a chance he was eagerly waiting for, as he started sending back reports almost immediately which, though did not were positive but they were neither negative, and when after two years of struggle when he had begun to show some results, he was recalled for his national service. He was sent to Venezuela as Peru's ambassador in January 1977.

But within a couple of years he was back to UN as Under Secretary General for special political affairs, on 27th February 1974 Perez De Cuellar having functioned as the Secretary - General's special representative in Cyprus with a fair amount of effectiveness(9) was assigned a similar task in Afghanistan as personal representative(10) of the Secretary - General.

And, in his capacity as 'personal representative' of the Secretary - General, Perez De Cuellar visited Pakistan and Afghanistan a number of times between April and August 1981. During these visits he also held a series of meetings between Afghan government and through Pakistan to the various groups in Afghanistan for a smooth withdrawal of Soviet troops from Afghanistan.

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9. UN monthly chronicle July 1979- page 14

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10. It is some time claimed that use of correct or vague phrase mostly proves to be successful in diplomacy to reach a compromise. And, Secretary - General's representative in Afghanistan seems to have been deliberately termed as personal representative instead of normal phrase of special representative. It was deliberately kept ambiguous so as to allow some to think that the Secretary - General was following the Assembly's directives and to others that he was not whichever way it may have been assumed to be. It seems to have solved Kurt Waldheim's problem - "In the eye of the storm by Kurt Waldheim" (Widen field and Nicholson . London-1985) page - 183.

Though, Mr. Perez resigned as under Secretary - General for special political affairs on 31st May 1981, he continued to function as the Secretary - General's personal representative in Afghanistan, but within few months he went back to Peru on 7th October 1981 and, resigned from active service of his country. He came back to UN as its fifth Secretary - General on 1st January 1982.

EXPERIENCE RECEIVED IN INTERNATIONAL CONFLICTS

A look into the career record of Mr. Javier seems to reveal that, he, before being selected as the UN Secretary - General in 1981, has, had a rich experience as his country's diplomat and as the United Nations official in the various capacities he had functioned.

And, importantly, his transformation from a national civil servant to an International civil servant has not been a abrupt one but has been through a gradual process, this has not been so distinct in his predecessors as has been in his career.

Moreover it may be remembered that within two years of joining the diplomatic service of Peru, he represented his country along with his country's delegation to the United Nations for the first session of the General Assembly in 1946, at a young age of 26 years. And, an exposure to the international body like UN at its emerging stage, seems to have given, Perez De cuellar, a confidence in his endeavour as an international civil servant.

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CYPRUS

Perez De Cuellar received his first assignment as an international civil servant, when he was sent to Cyprus as UN Secretary - General's special representative after an agreement had been reached between Secretary General and the representative of Greek Cypriot and Turkish Cypriot community for an exchange of written proposals (11).

Moreover, it was perhaps one of the very sensitive period in the Cyprus problem, because, the Chief negotiator of Greek Cypriot, Mr. Clerides had resigned from his post, and which, it was feared would lead to break down of the talks, if the UN showed slackness on its part.

But, within an year their had been some positive attitude from both sides, and the then UN Secretary - General Mr. Kurt Waldheim was perhaps looking for a person, who could carry on the negotiation on his behalf between the two groups. It also, seems that Mr. Waldheim had been closely watching, Perez's performance, in his capacity as the president of the Security Council when he had chaired this UN's organ for a month, and "had been impressed by his skill and the thoughtful way in which he handled this difficult body "(12).

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11. UN Year book 1975 P - 284

12. Kurt Waldheim : In the eye of the storm The memoires of Kurt Waldheim  
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(Widenfeld and Nicolson 1985) page 90



However it is also possible that Mr. Perez received this assignment because the Secretary - General wanted to do a balance of sort on the part of 'special representative of the Secretary - General by appointing a Latin American, which was previously held by a high official from Latin American country.(13). Thus fulfilling the objective of article 101(3) ie, to employ 'persons on as wide geographical basis as possible, since official from any other region of the world would have unbalanced the setting. The fact that he was appointed to this post to carry on an important negotiation proves his possession of the potential to tackle such critical issues.

And, it is to the credit of Mr. Perez that he kept up the momentum, by making the atmosphere conducive for the negotiation. He was able to continue this quiet successfully for next two years, perhaps, exemplifies his possession of patience and tactful nature of his personality.

Moreover, Javier Perez de cuellar had kept himself in continious touch with the representatives of two communities to carry on the initiative taken by the Secretary - General . Keeping in line with the agreement reached, by the Secretary - General and the two communities for regular exchange of written proposal, Mr. De cuellar on his own initiative had held seven meetings on humanitarian problems with the representatives of two communities between 6th and 31st march 1976(14).

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13. Mr. Robert Guyer was Kurt Waldheim's Special - Representative in Cyprus who hailed from Argentina. Keeping in conformity with Art 101

14. UN Year book - n.11, Pg-284

Further in order to speed up the peace process in Cyprus, Mr. De Cuellar held talks with President Makarios and Rauf R. Denktash in Nicosia and also held meetings with Foreign Ministers of Turkey and Greece and other high officials in Ankara on 13th and 14th July and in Athens on 15th and 16th July 1976(15). He however had to return to Peru in December and then to Venezuela as Peru's ambassador.

### ZIMBABWE

He again received an opportunity to act in the capacity as the Secretary - General's special envoy in regard to a perhaps, most controversial (or could have been) issue, when he was sent to Salisbury to look into the allegations of Julius Nyerere, the President of Tanzania.

Since, Mr. Nyerere had been involved in the effort to destroy the colonialism from Africa, he seems to have received some impression that the British representative, Sir Christopher Soames was creating problems in functioning of the newly independent state of Zimbabwe by favouring Bishop Muzorewa instead of Robert Mugabe. (16) Bishop Muzorewa it seems was not regarded as true representative of Zimbabwe.

And it is important to note, that sending of Secretary - General's special envoy could have been controversial, since it was a bilateral matter, and the UN apart from passing few resolution earlier was not party to the negotiation during that time. And as such there is no explicit Charter article which could have authorized the Secretary - General to look into the matter.

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15. Ibid - Page 291

16. Waldheim : n.12, Pg-108

And, Kurt Waldheim being aware of the fact that, he had no means to intervene in the matter, choose to send, Perez De Cuellar as his special envoy who sent a report that fears allied by Mr. Juilis Nyrere were unfounded(17).

#### AFGHANISTAN

Mr. Perez De Cuellar was sent to Afghanistan as the Secretary - General's 'personal representative'. He was, to some extent successful in convincing the Afghans to cooperate with the good offices of the Secretary - General for this, he made several trips to Kabul and Islamabad in March April 1981, by this he was also able to start the negotiation with the active involvement of the UN. But by August 1981 the parties had went back on their word, demonstrates uncertainty with which the UN has to cope with. Further it also, questions the credibility of the UN personels involved in the crisis.

But his trip to Moscow alongwith the Secretary - General in May 1981, it is felt, perhaps helped him in his being recognaized and accepted as a person who was, if not anti - west or anti - soviet was atleast not pro-west and which perhaps was important for them. This was reflected by the acquiencence shown by the Soviets in Perez being appointed as the 'personal' representative to negotiate between Afghanistan and Pakistan. And importantly he received an opportunity to listen and perhaps speak with the the President of Soviet Union, when he sat on the right of Kurt Waldheim and opposite to Lenoid Brezeneve(18). Such personal contacts proved very important in his <sup>action</sup> as the UN Secretary General.

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17. Ibid - Pg- 108

18. Ibid - Pg- 182

Thus an assesment of Perez's involvement in the three international conflicts seems to reflect his ability to work, and provides some degree of credibility to the ability of the 'Good offices' of the Secretary - General, to 'react' and perform in the attempt to solve the crisis.

ELECTION : TO THE OFFICE OF THE UN SECRETARY - GENERAL

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Mr. Javier Perez De Cuellar assumed the office of the UN Secretary-General as its fifth incumbent on 1st January 1982. Interestingly unlike his earlier predecessors of this office he was not among the front runners to this post. Before an insight is done into his election to the office of the UN Secretary - General. It will be useful to get aware of the procedure for the election of the Secretary - General.

The Charter, under article 97 provides '.....The Secretary - General shall be appointed by the General Assembly upon the recommendation of the Security Council'.

Further the rule 48 of the Rules of procedure of the Security council states : - " Any recommendation to the General Assembly regarding the appointment of the Secretary - General shall be discussed and decided at a private meeting "(19).

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19. Rule 48. Provisional rules of procedure of the Security Council

And, the normal practice of voting which takes place in the Security Council is : - In a formal meeting of the council, the President of the Security Council submits a list of candidates. The names of the contesting candidates are listed in English alphabetical order. The electorate or the representatives get one ballot paper for each candidate, with the name of the candidate inscribed there on by the secretariat. And, Five Ballot papers are given to veto wielding representatives, which are marked 'permanent members' and ten other Ballot papers marked 'non-permanent members' are given to their representatives. Both, representatives of permanent and non - permanent members are to make each ballot paper with black pen, which is provided by the secretariat. The members are to mark 'X' in one of the box against - Yes, No, Abstain (20)

The voting starts with first candidate on the list and it goes on till the council has voted on all candidates. The ballot papers are then cast by the members, which are then taken into the custody of Conference officer in a ballot box. The box is kept in front of the president. Then the next candidate's ballot paper is taken to vote and the procedure continues, and is followed again till voting of all candidates gets over. (21).

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20. Sydney, Bailey D. Voting in the Security Council (Bloomington Indiana University press 1975.) Page - 173 and  
- Times of India (New Delhi) 29th September 1991.

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21. Ibid Pg. 175

And, thereafter, the votes are counted in the presence of the council president. Next, the Under - Secretary - General opens the ballot papers and gives it to the president who reads it aloud, and announces the overall results of the voting on each candidate, immediately, after the result of the vote for each candidate is announced. The ballot papers are then destroyed in the council chamber in the presence of the council (22).

And it is important to remember, that the candidate to be eligible for being recommended to the General Assembly has to get, nine votes plus the assent of all the five permanent members failing which the voting process is done again and again till a candidate receives necessary nine votes and assent of the permanent members in the security council.

Further, it has been noted that, the use of veto in relation to the election of Secretary - General has been used more, than in any other issue by the permanent members, which has led to stalemate in number of occasions in getting a candidate elected in the Security Council. This also had led to controversy when the General Assembly under such circumstances considered, "the necessity to ensure the uninterrupted exercise of the functions vested in the Charter in the office of the Secretary - General "(23), had appointed Mr. Lie for another three year term.

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22. Ibid Pg. 177

23. Stephen M Schwebel :The Secretary General of the United Nation; His political power and practice ( Greenwood New York 1969 ) Pg 39

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But, he had to resign from his post under tremendous pressure and non-cooperation from Soviet Union, after struggling with the circumstance in November 1952(24).

Thus a point is proved that the candidate whose name is sent to General Assembly is ought to be a consensus candidate. But, it is also possible that, a candidate for getting the consensus may depend upon the world political situation.

By September - October 1981, two main contenders for the post of the UN Secretary - General had emerged as, Kurt Waldheim and Salim Ahmed Salim the Tanzanian foreign minister. In the absence of an explicit term for the Secretary General in the UN Charter, it may be noted that Mr. Kurt Waldheim by deciding to stand for a third term, was trying to create precedent, if elected could have enhanced the post of the Secretary-General, which could have made the incumbent to behave like a despot or benevolent, but by October 1981 this was only an assumption.

And, interestingly, Mr. Waldheim seems to have promised out to the Peoples Republic of China that he would co-operate with them in getting a third world candidate elected at the end of his second term.(25) Now with his decision to go for a third term was bound to be opposed by China and which did takeplace, and as a result of which he withdrew his candidature after failing to convince Chinese, at the end of sixteen rounds of balloting.(26).

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24.C.V Narasimhan The UN an inside view. (UNITAR Vikas Publisher 1989.)

Page - 278

25. Ibid - 292

26. Waldheim n.12, Pg 233

Another , front runner to this post Mr. Salim A salim who perhaps had all the requisite qualification for this post apart from being a third world candidate, could not muster enough votes in many rounds and whenever he managed to do so was blocked by US Veto, like Mr. Waldheim who inspite of getting more than the requisite nine vote could not escape the Chinese veto.

And, Mr. Salim Ahemed Salim, the Tanzanian foreign minister, perhaps having realized the futility in pursuing his candidature for this post against the constant veto of US, and by the persuance of the president of the council Mr. Olaru Otunnu of Uganda, withdrew his candidature (27).

Since, Salim A Salim having the requisite qualification for the post, set by the convention in the UN had failed to pass the US veto demonstrates that there was something in Salim Ah<sup>e</sup>med Salim which was strongly disliked by the US. The assumption stems from the fact that, when China assumed its seat in the UN, inspite of strong attempts of US to stop it, Mr. Salim had led a victory demonstration in the aisles of the Assembly hall(28). which probably, could have been an important reason for US veto.

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27. UN monthly chronicle December 1981 - Page 9.

28 Waldheim n.12, Page - 233 - 244



And, after the withdrawal of names of Waldheim and Salim, the other candidates in the fray were, Sir Shridath Ramphal of Guyana, Sadauddin Aga Khan of Pakistan, who was also the special consultant to the Secretary - General, Carlos Ortiz de Rozas of Argentina, Santiago Quijano- Caballero of Colombia, Rafael Salas of Philippines who was also the Under Secretary - General and Director of UNFP, Jorge Illeuca of Panama, Radha Krishna Ramphul of Mauritius and Mr. Javier Perez De Cuellar of Peru(29).

And out of these eleven candidates Mr. Perez de Cuellar emerged as the successful candidate among six representatives of the third world. He was elected in the first renewed ballot after sixteen non - resultive ballots and importantly he was the only candidate who was not vetoed by any permanent member (30).

Perhaps, the reason for getting the positive nod from the permanent members of the Security Council lay in his fulfilling all the requisite qualification. He was accepted by the Chinese as a Third World candidate and American were ready to accept a third world candidate except Salim of Tanzania in the event of Kurt Waldheim failing to get elected.

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29.UN monthly chronicle December - 1981 page - 10.

30.Waldheim : - n.12, - Page. 235

Further the British seemed to be quiet satisfied by his performance as Under - Secretary - General for special political affairs, and he may possibly have made some impact as Peru's Secretary in U.K. Moreover the British government had readily agreed his selection as "special envoy" of the Secretary - General to Zimbabwe, and may have been satisfied by his report. And the French would not have had any objection if the candidate could speak French (31). and may have had the opportunity to know him, when he worked as Peru's Secretary in France.

And the Soviet Union perhaps were either making a compromise for a third world candidate as they did not seem to have objected for his candidature either in the press or in the Security Council, or were satisfied by his ability to perform independently as special representative of UN Secretary - General for Afghanistan and may have also been satisfied by his performance as Peru's ambassador in the Soviet - Union.

And, as a result, The Security council on 11th December 1981 unanimously recommended his appointment at a private meeting under resolution 494 of 1981. And the General Assembly appointed him on 13th December 1981 as the fifth Secretary - General of the UN by adopting by acclamation resolution 36/137, which was sponsored by five permanent members headed by China along with German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia and Uganda (32).

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31. UN year book - 1982 Page 9

32. UN Monthly chronicle - December 1981 page 5

It is claimed that, Mr. Perez was second preference candidate among the third world candidates (the first being Kurt Waldheim and Salim A Salim) and by electing Perez the Security council had failed to follow the understanding that the Secretary - General of the UN would be given to an African candidate (33).

But his performance as Diplomat of his country and as an international civil servant in the UN, a span of 36 years of experience should have had given him the opportunity to acquire requisite, knowledge, skill, calm judgement, independent thinking and important qualities of being gentle but cautious in his dealings and patient but determined in his endeavours and the ability to make decisions proves his worth of being elected to this office.

And, since the Charter is silent about the Secretary - General's, educational or even relevant political experience it can be concluded that, Mr. Javier Perez de Culler being a Law - graduate, a professor of diplomatic law.(34) And by his vast experience in the International affairs as International civil servant and as national civil servant and most importantly having been acceptable to permanent members of the security council, which, perhaps is 'The' important qualification, and which is implicit in the Charter and in understanding among the UN members, was a well qualified candidate.

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33. TRIBUNE (Chandigarh) 14 th December 1981.

34. He is an author of Manual De Derecho Diplomatico ( Manual of International Law (1964). He was a Professor, at Academia Diplomatica del Peru and Professor of International relations at the Academia de Guerra Area del Peru.

REELECTION

Mr. Perez De Cuellars' term of five years was to end on 31st December 1986. And interestingly he had announced even in 1982 that he had no intentions of standing for second term, this seemed to be true, when in mid 1986, it was reported that Perez de Cuellar was finding it difficult to carry out his promises he had made(35), after assuming his office in 1982 in regard to cleaning up the bureaucracy of the United Nations(36).

And in August the news that, Mr. Perez had to go through a bypass surgery, led to another round of doubts in the UN circles about his ability to carry on his duties, and importantly about his chances of his getting a second term - further this apprehension seemed to be true when it was reported that, the diplomatic sources in the UN were of the opinion that his chances of getting reelected under such circumstance were bleak (37).

But interestingly the list of his possible successor was very small, which perhaps reflects, that a speculation about a unanimous decision of permanent members in favour of De Cuellar could not have been ruled out, though his name had not figured in the list formally declaring the names of contestants.

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35. International Herald Tribune release 18 th April 1986.

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36. UN Chronicle - 1982 Page - 71

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37. TELEGRAPH (Calcutta) 26 th August 1986.

Since, There were claims and counter claims, for and against, on many issues which Perez De Cuellar in his tenure had to grapple with it, presented a vary unstable position of his candidature and his possible reelection. Further his performance in various disputes and crisis situation , like Rainbow warrior dispute, which was threatening to thwart the European common market operation and his handling of Iran - Iraq war and his dealing with Financial crisis in the UN had given ample evidence of his ability to act effeciently or not so efficiently.

However, some of his activeness and inactiveness, directly relating to the permanent members reflect that his reelection was in rough waters, for example it was reported that he did not take any strong action in stopping the U.S.A, from expelling twenty five members of the Soviet Union's delegation to the UN on the charges of espionage. A resentment from USSR could not have been ruled out. (38).

And, importantly, he had refused to accept the US proposal of introducing a new voting system based on the contribution, by which the number of votes ie, its value was to be based on the contribution of individual member, USA had threatended to cut 5% from its contribution if its demand was not met.(39).

But perhaps he was conscious of the fact that the UN is limited by the political leanings of its member governments. And, perhaps he knew a good administration of its vast bureaucracy can realise the UN ideals under the guiding hand of Secretariat.

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38. OBSERVER (London ) 18th September 1986.

39. Ibid.

But his refusal for a second term for the office of the UN Secretary - General, had done good to him because, by declaring his unavailability he had freed himself ' from a position of some what unequal relationship with the five permanent members'. Whatever may have been the reaction of the permanent members, it is claimed that, by doing so, there will not be any blocking of reelection because of his not being a candidate(40).

However he was elected for a second five year term beginning from 1st January 1987. But his acceptance of the post seems to reflect his sense of duty which he had asserted time and again in his tenure. And seemed to possess a strong optimism, as an important aspect of his personality as he once said.

"However grim the past and present may seem, the Secretary - General has to remain firm in his belief that although people are swayed by short term interests and local preoccupations, The movement towards good has an enduring appeal and that good will triumph in the end(41).

And another important aspect of his reelection has been, the recognition of Perez De Cuellar's ability to perform efficiently, and with faith and confidence, by the members of the UN.

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40. Narasimhan n.24, Page - 295

41. De Cuellar Perez in, Benedict K and Adam R : UN in Divided world, The UN's role in International Relations. ( Clarendon Oxford University Press 1989 ) page - 76.

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CONCLUSION

Thus, De Cuellars functioning as a national civil servant and his performance in various capacities as the UN official including , as the Secretary - General of UN has brought new factors responsible for the growth of this office and at the same time has asserted certain facts and has also posed question to certain beliefs held till now in relation to the personality and the election, and the office of the Secretary - General.

One of the aspects of personality, for this post seems to have now become an important prerequisite. For example, the behaviour in the past can become a handicap in negotiation with the members as the Secretary - General and before that in the election to this office. The veto of the US against the candidature of Salim, due to his overzealous support to one member perhaps proves the contention. Optimism with a strong sense of conviction is also an essential qualification.

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CHAPTER--III

THE ROLE OF THE UN SECRETARY - GENERAL IN THE UN PEACEKEEPING OPERATION

The Secretary - General of the UN has enough powers and responsibilities and some of them are implied and others are explicit. These emanate from, the Charter articles, the rules of procedures of the General Assembly and the Security Council and from other Organs of the UN, and some conventions. But, the role of the Secretary - General in relation to the UN peacekeeping operation has been mostly controversial.

And, the reason for it being controversial has not been fully identified. An enquiry on this role of the Secretary - General, perhaps can be started on the basis of the vagueness about his source of authority and its limits, with his 'mouds operandi' in his capacity as the Secretary General of the UN.

And, the prominent article in the Charter which confers the Secretary - General the authority to intervene on his own, on a matter, which he thinks may lead to a threat of International peace and Security seems to be article 99(1). The Secretary - General under this article may intervene for the purpose of presenting to the council his views on matters which are under the councils consideration, apart from initiating or proposing to the Security council to consider a particular dispute or situation, as Trygve Lie had done in Korean question on June 25th 1950 (2).

1. Art 99 states :- 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.

2. Stephen M Schwebel: The Secretary - General of the UN His political power and practice. (Greenwood press Pub New York. 1960) - Page-60.



Further it may not be wrong to assume that the article 99, has implied provision which possess the potential to change the Secretary-General's role from purely administrative to a political one as Dag Hammarskjold in 1960 had invoked this article on the consideration that there was an actual or potential threat to peace (3).

And, moreover inspite of Charter not specifying any provision for the Secretary - General to have authority to bring matters to the attention of the General Assembly, the rules of procedure of Assembly provide a clause by which he can propose an item to be included in the provisonal agenda (4).

Further the article 98, on similar lines says that he "shall perform such other functions entrusted to him by these organs". And thus the organisation of peace keeping forces too fell under this provision of the Charter. And this may be passed as clear case of authorization under the Charter.

But, activity on his own by the Secretary - General are bound to raise certain question, as how can the Secretary - General become aware of a crisis or potential crisis ? ie, how can he establish, that a particular situation may be threat to international peace and security ? And how can / does he act to normalize or dissolve the crisis ?.

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3. Rikhye Inder Jit : The Thin Blue Line ( New heaven and London Yale University 1974) Page -75.

4. Leland M Goodrich and Anne P Simons : The UN and the maintenance of international peace and security. ( Greenwood press, publisher west port commitment 1974 ) Page - 76.

Therefore in order to understand and to find a probable answer to these questions it is sine qua non, that a brief definition and nature of the UN peace keeping is attempted.

The UN peace keeping operation can be divided into two broad categories. The first is the Observer missions which does not possess any arms and secondly, the actual peace keeping forces, in which there are lightly armed infantry units with necessary logistic support elements.(5)

But these two cannot be seen in isolation because, the peacekeeping forces are often assisted in their work by unarmed military Observers. And Observer missions some time may function as logistic units for peace keeping forces.

And the three pertinent questions which emerges under such an interpretation of peace keeping operation are :-

- (1) Where does the role of the Secretary - General begins and end ?
- (2) What are the instruments available for him to carry out the peace keeping operations of the UN ? and
- (3) What are the likely hurdles he may face ?

Further , these questions assume importance when it is known that the acceptance , authorization and santification of the UN peace keeping operation is to be done by the members of the UN and in particular by the Security council . And, the Secretary - General has to strike the right cord, for the success and effectiveness of such an operation, since failures may prove to be harmful to the UN efforts in its future peace keeping operations. These three questions will be examined in detail in the next chapter.

The UN peace keeping operations had evolved as means to stop and control the conflicts, which may aggravate and cause a breach in international peace and Security. The peace keeping operation was defined as an operation involving military personnel, but without enforcement powers undertaken by the United Nations' (6).

But, the peace keeping operations have been undertaken as an instrument for a final settlement of dispute, as a 'buffer' between two enemy forces, as an election machinery and to carry out political and administrative function, as civilian police, to help in the smooth withdrawal of troops and to maintain ceasefire (7).

And to carry out all these peace keeping operations, three important prerequisites are very vital, they are consent, concurrence and cooperation

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6. Ibid - Pg. 5

7. Ibid - Pg. 6

Consent, of parties is important, as Article 2(7) of the Charter forbids the UN intervention(8) on matters of domestic jurisdiction. This is not only a basic principle but is necessary for the operation to be effective.

Concurrence, of the parties is also important, as without their concurrence, the freedom of movement and other facilities necessary for such an operation will not be possible.

Cooperation, of the parties in conflict, and that <sup>of</sup> the UN members is also important since in an event of non-cooperation of the parties concerned or of the UN members could jeopardize the whole operation. Moreover this cooperation is important in the absence of any enforcement rights with the UN peace keepers.(9).

Further, the Security council having the primary responsibility and authority under the Charter to maintain the International peace and security is to give its mandate for the UN peace keeping operation, under the command of the Secretary - General in all operational matters with continuous support.(10) And the Secretary - General having been authorized by the Security Council sends a regular report to it.

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8. It states : Nothing contained in the present Charter shall authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter

9. Ibid - 11

10. Articles 24, 25, 26 and 49 of the UN Charter

And, now having been authorized by the Security Council and sometimes by the General Assembly (as during the West Asian crisis 1956) The Secretary - General can play an important role in the UN peace keeping operation.

Further the Secretary - General of the UN perhaps being the best possible office, to carry out such task, is supposed to use his skills, and one of the instrument which had its league precedent was the diplomatic initiative, of the Secretary - General which came to be known as the 'Good Offices' of the Secretary - General in the UN Jargon.

And it seems that the Secretary - General could use his good offices to bring peaceful solutions to international disputes. His 'Good offices' can be seen as,

- (a) Involvement in a crisis to solve it, after being requested by an organ of the UN and
- (b) To carry out informal contacts and friendly suggestions which he on his own decides to undertake within the competence of his office

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11. Vratislav Pechota : The quiet approach, A study of the Good offices excercised by the United Nations Secretary - General in the cause of peace. (UNITAR Pub. No. 6 New York 1972) - Page 2.

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And to carry out his 'good offices' work, it is important that he should be able to exercise, prudence and restraint, and he is also 'expected to meet the highest standards humanly attainable in, independence and impartiality' (12). And it has also been seen that in the event of a conflict being between parties which are neither states nor governments recognised by the UN, the potential of his 'good offices' has performed an important role (13).

But the two main hurdles which the Secretary - General has to clear for a successful conduct of his 'good offices' are, domestic jurisdiction clause and continued support of the Security Council.

#### PROBLEMS AND PROSPECTS

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And to understand the theoretical problems and practical methods in the implementation of 'good offices', it is necessary to look at the Secretary - General's activity in this realm, in few crisis situations.

Dag Hammarskjold, it is claimed, was of the belief, that when a state refuses to recognize, the authority of resolutions of the Security-council or the General Assembly, the duty of dissolving the crisis falls on the Secretary - General, when the General Assembly requests him to execute the resolution or he on his own acts under article 99 of the Charter. And he had been successful in using his good offices as mentioned above, during 1954 December, when he had successfully negotiated with the Peoples Republic of China, for the release of US airmen who were held by the Chinese during the Korean war (14).

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12. Ibid - Pg. 41

13. Ibid - Pg. 11

14. Ibid - Pg. 12

(58)

And U Thant, the next Secretary - General after Hammarskjold, perhaps following the innovative practices of his predecessor believed that the Secretary - General's role in using his good offices should be based on the UN objectives and it seems he had referred to Article 1 para(1) and (2) of the Charter in many of the crisis he had dealt. And of the many crisis the prominent crisis in which he had been successful, in using his 'good offices' was the Cuban Crisis (Oct 1962). Further an important outcome of this crisis was, that it had been proved that even in the crisis directly involving the big powers the 'good offices' of the Secretary - General can play an important role in easing the situation (15). Which may have become a threat to International Peace and Security.

And similarly Kurt Waldheim had successfully used his good offices in freeing the eight French hostages held by the people of Sahara Liberation Movement, and interestingly he was neither requested nor was authorized by the Security Council or the General Assembly(16).

Moreover the 'good offices' of the UN Secretary - General inspite of the absence of it being explicitly mentioned in the Charter or Rule of procedure of the General Assembly or the Security Council has been successful in numerous crisis.

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15. UN press release SG/1357, 26 th October 1962, Page 2 and SG/1358  
26th October 1962 page - 2.

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16. Adam Roberts and Benedict Kingsbury ed: United Nations ; Divided world United Nations role in International Relations. ( Claredon Oxford University press - Paperback 1989) page - 90.

But there is also strong criticism on its use which has been mainly directed towards the procedural vagueness. But then as an eminent scholar on the UN Thomas M Franck had said :-

" It has grown out of content and necessity, it is difficult to draw any sharp boundaries that would determine whether these disparate effort all fit within the 'good offices' ruberic " (17).

Thus it may be accepted that every 'good offices' intervention by the Secretary - General has contributed some importance to the development of the Secretary - Generals role in the UN peace keeping operation, but not before it had passed the tests of applicability, acceptability and criticisms.

Further, the UN peace keeping operations apart from functioning as Observer missions has performed as peace keeping forces (18). There have been 20 UN peace keeping operations till 1991 of these 10 were in form of peace keeping forces and 10 were in the form of Observer missions (19). But, it is felt that a precise distinction between a peace keeping force and a Observer mission cannot be claimed to be full proof.

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17. Ibid page - 84.

18. Peace keeping force of the UN has soldiers contributed from member states who are armed with 'light defensive weapons, but are not authorized to use force except in self defense. They have to sometimes maintain exceptional restraint, since its impartiality may be put to question :- Blue Helmets - A review of UN peacekeeping 2nd edition 1990 (New.York.) Page-3-9

19. United Nations - Blue Helmets : A review of UN peace keeping 1st edition 1992.



And such an incredulous approach stems from the observations, that often the UN Observer groups are supported by specialised military units, and even civilians have performed under the UN peacekeeping operations (20).

But, whatever may be the form of UN peace keeping operations, it may not be successful if it is not supported by the Logistic base along with the other important prerequisites, (21) and all these needs finance. The financing of the UN peacekeeping operation is an important aspect, which, perhaps prominently manifested itself in the Congo crisis. Earlier, the peace keeping operations were accepted to be paid by the UN from its regular budget(22).

But, even before that a major crisis had developed in 1955-56, when the member countries refused to pay their contribution on the plea that the UNEF (United Nations Emergency Force) in Sinai, which was established by the General Assembly was not an UN operation, since such task is to be authorized by the Security Council. And the same reason was cited by France and Soviet Union, with a demand, that the aggressor should bear the cost. Perhaps these two examples have mainly contributed to the persistent apprehension about the financial aspects of peace keeping among the UN members (23).

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20. During the United Nations Transition Assistance group (UNTAG) in Namibia.

21. See page 7 and 8.

22. Security Council Resolution S, 1404. 5 th October 1949 - Reproduced in Higgins UN peace keeping 1946 - 1967. Documents and commentary .

Oxford University Press 1970-~~Page~~61

23. Arthur M Cox. Proposal for peace keeping . (The Brookings Institutions Washington December 1967), Pg 37-43.

Even though, in the Congo crisis the Secretary - General had tried to assert that, the operation was under the UN responsibility, and had been stipulated under Article 17 of the Charter, (24) which the Soviet Union had strongly contended (25).

And it was the ingenuity of Mr. U Thant which helped in evolving a new arrangement for financing of the future UN peace keeping operations, by the issue of bonds (26). which has been followed since then.

Further, It is important to remember that it is the Secretary - General who has to coordinate and supervise the activities in establishing the peace keeping force in the area of conflict. And this meant he had to be supported by administrative and budgetary aspects. Absence of which is bound to create hurdeles for the Secretary - General to play an useful role in future UN peace keeping operations.

And which could mean, that even his 'good offices' may not be able to play any significant role in the absence of financial support for such endeavours. And with almost defunct 'military staff committee' the role of the Secretary - General's 'good offices' assumes a greater role of itself .

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24. Asha Hans : The United Nations A saga of forty years . ( Amar prakashan Delhi 35. 1986) Page - 186.

25. M cox, n.23, Page - 37.

26. Hans. n.24, Page 186.

And as the United Nations had emerged from the rubbels of the League of Nations, based on optimism and determination to save the world from future wars, it is also possible that the Secretary - General may be able to play an important role in the future UN peace keeping operations as Lincon M. Bloomfield Observes. :-

" It is to meet as best one can imaginatively, creatively, but with realism, the day to day requirements of a world whose management rests on in the hands of simple men with complex problems". (27).

Further this optimism needs to have some basis on which the Secretary - General can function with the realism of its possibility. There have been numerous proposals on the issue of the UN peace keeping and prospects of the Secretary - General's role in it.

But, perhaps the answer lies not just in proposals, but in the past experiences, and, its applicability and acceptability in the present world political scenario.

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27. Lincon M. Bloomfield : The power to keep peace : Today and in world with out war ( Maschusatttes Institute of Technology - 1971) - Page 76.

And when the first Secretary - General of UN had proposed the stationing of the UN ambassadors in the capitals of member states, who were expected to play the role of 'eyes and ears' of the Secretary - General and which it is claimed was also wanted by Kurt Waldheim, the fourth Secretary - General, to be accepted (28); Perhaps they had been expecting the member states would bear the cost of such embassy and this could not have been acceptable as many countries were finding difficult to pay their annual contribution to the UN, let apart bearing this extra burden.

And even if the consent of the member state is secured concurrence and cooperation seems to be doubtful, and in the absence of any defined parameters of Domestic Jurisdiction the feasibility of Secretary - General to use his 'good offices' is just a speculation.

Moreover, the changes in the world politics continuously and progressively, calls for readjustment to the powers and prerogatives of the UN and its organs alongwith that of the Secretary - General. Further it has to be realized that the global pressures for operational integration and systematized co-operation between the various factors, social, political and economic are becoming the hard reality of global and national politics.

But under these circumstances the role of the Secretary-General in the UN peace keeping operations calls for a high degree of faith and realism, based on the assessment of potential resources available to him.

But, since the increasing political role of the Secretary - General in the four decades of the UN history points out to the reality, of his being able to build up a confidence between him and the member countries, inspite of some criticism based on his limits and style of functioning in some crisis (29) it is a welcome sign for the Secretary - General's future role in the UN peace keeping activities.

Further the role of the Secretary - General in the UN peacekeeping, having the support of the member countries and by his own initiatives, with the mandate of the Security Council seems to have given the Secretary - General to widen the scope of his role in the UN peace keeping activities. And it is felt that the necessity of the Secretary General to act on his own in some operations perhaps may be very important, as Brian Urquhart points.

" Our authority is extremely limited and we have to be based securely when we do anything because if we are not first, we get not results, and secondly we loose the support of the governments without which we cannot operate at all"(30).

And, it can be accepted that, the proposal for an effective role of the Secretary - General, and the UN in its peace keeping operations have been reflected in the UNTAG (United Nations Transition Assistance Group) in Namibia, were a successful combination of consent, concurrence and cooperation, continious support of the Security Council and most importantly the necessary financial support has been evident(31).

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29. Cox. n.23, - Page. 37 - 43.

30. Ibid - Pg. 122

31. UN. n.19, - Pg. 323.

Thus, from the numerous experiences of the Secretary - General in the UN peace keeping operations, it may be concluded that the Secretary - General has to perform an important role as he had been doing, and in future he might have to tackle many crisis, mainly depending upon the different diplomatic devices at his disposal. And for which he needs, patience, perseverance and skill of his own to conduct any UN peace keeping operations along with a strong commitment of the UN Charter provisions.

And, how did Mr. Javier Perez De Cuellar confront some of the important crisis during his tenure will be attempted in the ensuing chapter.

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ASSESSMENT OF JAVIER PEREZ DE CUELLAR IN VARIOUS CRISIS

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The tenure of Javier Perez De Cullar as the UN Secretary - General comprising of two terms (first term from 1st January 1982 to 31st December, 1991) falls in the period when the UN was facing, perhaps one of the worst financial crisis, and with major changes in the world political scenario.

An assessment of Javier Perez De Cuellar is sought to be attempted in this chapter, during his tenure of two terms, in some important crisis with special emphasis on his role in United Nations Peace Keeping Operations.

It is important because this aspect was the highlight of his tenure, and since Javier Perez De Cuellar in a decade long career as the Secretary - General of the UN, has been associated with numerous UN peace keeping operations in such capacity, than any of his predecesors. It may be noted that every Secretary - General of the UN has set some precedent in the UN peace keeping operation for which they had received appreciation and criticism.

Further a precedent set by one Secretary - General of the UN has been either cited as conventions by the successors or has been rejected on some pretext or other. And it may be noted that the carrying on or rejecting a precedent of the previous Secretary - General(s) depends on various factors like, the nature of crisis, the world political environment and the dealing of the crisis by the Secretary - General.

Javier Perez De Cuellar as the Secretary - General of the UN was involved in numerous crisis and though, each of the crisis in which he had played a role was important, there are five important crisis with which he is mostly associated with, either as examples of his success or failures, they are :-

- i. Iran - Iraq war - 1980 - 1988
- ii. Afghanistan crisis - 1979 - 1988-89
- iii. Namibian Independence - 1950 - 1990
- iv. Rainbow warrior dispute - 1986 - 1987
- vi. Iraq - Kuwait war - 1990 - 1991

And from the time the peace keeping operations have been undertaken by the United Nations, ( it may be noted that there is no explicit provision for peace keeping operations in the UN Charter). The tussle between the Charter Idealism and reality has been seen in almost all such operations of the UN. Further it has been seen that in most of such operations undertaken by the UN, there has always been some reluctance on the part of the member nations to give consent for a UN mediation. But whenever the Secretary - General has taken the initiative through his 'good offices', the consent, not only has been quick, but also with it the promise of concurrence and co operation is there.

Therefore, apart from the other prerequisites and follow ups needed for the UN to undertake a peace keeping operations, the presence of the above mentioned factors will be traced in the following crisis. And an attempt will be made to rectify them. At the same time an assessment of the potential, the 'good offices' of the UN Secretary - General has is to be attempted.



IRAN - IRAQ WAR

Background

The Iran - Iraq war which lasted for almost eight years was primarily due to the border dispute between these two countries, has a history of 350 years. Two treaties ( one in 1639, the Zohab treaty and Erzurum treaty in 1847) and a commission consisting of members from both countries, in 1843 had tried to fix the border line between these two countries ( it may be noted that in 1689 the treaty was between Persia and Ottoman empire ) which included present day Iraq. ) And the dispute had even come to the League of Nations in 1934 - 37 which had allowed the navigation of all ships in the Shatt - al - Arab waters.(1)

But in 1961, Iran had occupied the anchorage of Abadan in violation of the agreement under the League. And the tension between Iran and Iraq was eased by an agreement in 1975, under the mediation of Algerian President Boumediene. However, the tension between these two countries mounted, when Iraq accused Iran (the Khomeni regime) of interfering in Arab affairs and Iran accused Iraq of aiding the rebels in Khuzestan (2)

And when, Iran attacked Iraq borders and the cities of Khangin, the President Saddam Hussein of Iraq instantly abrogated the 1975 treaty and despatched his army for recovering the 'lost territories', which it claimed were part of Iraq and which had not been vacated by the Iranian forces under the 1975 treaty (3).

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1. A. C. Roy International Relation since 1919 ( World press, Pvt Ltd. Calcutta 1989) Page - 558.

2. Ibid - Page 358

3. Ibid - Page 358

UN Mediation

Till January 1982 ie, the date of Perez De Cuellar's assumption to this office, the only important action taken by the Security - Council in this regard was the adoption of resolution 479,(4) at the instance of the Secretary - General Kurt Waldheim in accordance with the article 99 of the Charter brought to the attention of the Security Council the threat to the maintenance of international peace and security. The resolution 479 had called for immediate ceasefire and had requested the warring countries to work out the difference through peaceful means.

But no solution seemed to have emerged from the resolution 479 as the war continued. And it was only in 1982 an important turn to the crisis came about when the Security Council passed the resolution, 514 within six months of De Cuellar's assumption of the office.

And one of the important aspect of this resolution was in regard to the role of the Secretary - General. The Security Council under this resolution (para 3 ) had decided " to despatch a team of observers to verify, confirm and supervise the ceasefire and withdrawal " and had also requested" the Secretary - General to submit to the Security Council a report on the arrangements required for that purpose "(5).

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4. SCOR 36th year supplement, July August, 28th September 1980.

New York UN 1982. Document NO. S/1496.

5. Document No. S / 15293. Report of the Secretary General to Security Council on resolution No 514(1982) July 15.

And working on this authorisation Perez De Cuellar was not only able to get the consent of both the countries but was also successful in getting the agreement of both the countries to cooperate with him in the implementation of the council resolution (6). But importantly an agreement could not be agreed upon for a permanent peace and even resolution 552 in 1984 condemning the attacks on Commercial Ships and demanding to end the attack did not provide any positive results (7) as the war continued.

Moreover, Javier Perez De Cuellar had sent few observers and fact finders to look into the allegations by Iran that Iraqi forces were using chemical weapons. But inspite of such unfavourable conditions Perez De Cuellar on, his own under the aegis of his 'good offices' function sent his special representatives to quicken the process of bringing normalisation in the region. The special representatives to both the countries was in addition to the already present observers and fact finders in that country. Further in order to muster the support of the Security - Council and the United Nations members for initiatives he had taken, he noted that he had done so to act as a "facilitator" in resolving the crisis (8).

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6. Ibid - Para 4

7. John Tersitone and Susan Woolfsan (ed), Issues before the 42nd General Assembly of the UN. An Annual Publications of the UN association of the USA (Lexington M A, Tronto, Ledington Books, D C Heath and Company 1988 )Page 3.

8. Javier Perez De Cuellar " Anarchy or Order Annual Reports 1982-1991 UN Publications New York 1991. Page 12.

(71)

Further he had put the instrument of 'quite diplomacy' to best use when he made an appeal to both the governments on 9th June 1984, to stop the attacks on the civilian Populations (9), it may be noted that he had made this appeal in the holy month of Ramzan. And by such initiatives he was successful in effecting a moratorium (10). This positive result it is felt was possible because of the timing of the appeal by the Secretary - General.

But a lasting solution to the crisis seemed to be quiet far, due to the non-supportive attitude of the Security - Council, as had been assured earlier, and even his personal visits to Iran and Iraq during April 1985 were of not much use under such circumstances (11).

And it was the report, by the group of experts ( who were instituted by the Secretary - General, De Cuellar to investigate the allegation of Iran, that the Iraqi forces were using chemical weapons) who had submitted the report indicting Iraq for the use of Chemical weapon, did the Secretary - General received full support and also for the first time led to the explicit condemnation by the Security Council (12).

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9. UN Chronicle Vol XXIV No. 2 1987 Page - 14.

10. Document No. S/16627 Secretary General letter to the president of the Security Council. SCOR 39th year UN New York 1985 Page 1.

11. DeCuellar n.8, Page - 138.

12. Thomas Franck in Adam Roberts and Benidict Kingbury (ed) United Nations, divided world the UN role in international relation  
(Cleardon paperback 1989. Oxford Univ Press Page 84.

Javier Perez De Cuellar with his own initiative and with support of the UN members and the Security Council was able to keep up the pressure and was successful in securing the ceasefire on 20th August 1988 through the resolution 598 of 1987 by the Security Council (13).

Further, this resolution was fully followed up by the parties, for which Perez along with his personal representative ( Olf palme of Sweden) had held several rounds of talks which were inconclusive. And his efforts bore fruits when by 1990 he had been able to successfully implement most of the aspects of resolution 598 of the Security Council(14).

Thus, even though the Security Council and other members of the UN play an important role, and their support is an inevitable aspect in resolving a dispute, it would not be wrong to accept a fact that the essential function of laying foundation or building a framework for resolving a crisis can be done with least controversy, by the 'good offices, of the UN Secretary - General.

And as Iran - Iraq crisis was resolved effectively, primarily due to the initiatives of the Secretary - General Perez De Cuellar in facilitating the negotiations between Iran and Iraq, and also by keeping in touch continuously with the Security Council members, proves that the 'good offices' was used by Perez De Cuellar in a skillful and cautious way, with patience and perseverance, with a strong commitment to the Charter Principles.

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13. De Cuellar n.8, Page 172.

14. Ibid Page 219 and 278

AFGHANISTAN

Background

Afghanistan is a country with Pakistan in the east and south, Iran in the west and China in the extreme north west and the former Soviet Union in the North. It may be noted that the Soviet influence in Afghanistan had long been accepted by the Western Powers.

The soviet troops entered Afghanistan on 27th December 1979, on the request from the Afghan Government for assistance against insurgent moments. But the 'request' of the Afghan Government has been a controversy.(15).

And the Security Council was deadlocked over the issue due to Soviet veto in January 1980. As a result the matter was referred, under the "Uniting for Peace" procedure (as provided for in the General Assembly resolution 377(v) of 3rd November 1950.) The General Assembly strongly deplored the armed intervention and called for "the immediate, unconditional and total withdrawl of the foreign troops from Afghanistan, which was passed by the resolution Es-6/2 of 14th January 1980(16).

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15. United Nations Blue Helmets A review of United Nations Peace Keeping. 2nd Ed. ( New York Department of Public information. 1990) Page - 315

16. Ibid Page 315.

It is felt that Javier Perez De Cuellar had been able to get the first hand knowledge of the crisis in Afghanistan even before he assumed the office of the UN Secretary - General. This was possible because he was chosen by the Secretary - General Kurt Waldheim as his personal representative on 11th February 1981 to assess the possibilities of resolving the crisis. It may be noted that at this time Perez was holding the post of Under - Secretary - General for special political affairs. And De Cuellar was successful in holding talks with the Governments of Afghanistan Pakistan and Soviet Union, and was able to make the parties agree to his four point agenda which culminated into the signing of the Geneva Accord.(17).

And after he assumed the office of the UN Secretary - General in 1982 he was able to keep up the momentum for the negotiations. One of the interesting aspects of De Cuellar's functioning in Afghan crisis was, he named his representative as 'personal representative', instead of the conventional term " Special - representative as he was sent by Kurt Waldheim to Afghanistan as his personal representative. And the reason for the use of such term is that, use of such 'term' has potential benefits in the functioning of the 'good offices' of the Secretary - General(18). And Diego Cordovez the personal representative of Perez, was able to act as a intermediary in the negotiation without any controversy, further proves his style was based on past experience and its applicability in a new crisis.

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17. Ibid - 36

18. See Chapter II Page 7.

But an important obstacle De Cuellar faced in bringing peace in Afghanistan was due to the cold war. Perez De Cuellar had attempted to highlight this handicap at the various forums and particularly in his annual reports which the Secretary - General submits to the General Assembly. And he believes that 'in some occasions the East - West tension is superimposed in regional conflicts too and in some conflicts they tend to take the shape of war by Proxy'. (19)

Further, he also believes that in such situations the "deliberative Organs of the UN tend to be by passed or excluded, or worst yet to be used solely as a forum for polemical changes "(20) As was reflected in Security Council decisions and workings in this crisis, till 1985.

But inspite of such difficulties posed by the international political situation, he was able to persist with the crisis to solve it and helped in making condition congenial for proximity talks by 1986. And by 1987 he was able to bring the crisis to a point of settlement now with full support of member states (21). But it may be noted by 1987 the 'Neo Detente' was present in the world.

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19. De Cuellar n.8., Page - 22.

20. Ibid Page - 22 ( In this crisis Soviet Union had vetoed a resolution in the United Nations General Assembly in January 1980 which had demanded unconditional withdrawl of foreign troops from Afghanistan.

21. Ibid - 141



Moreover it was reported that Perez had put his diplomatic skills to best use, when he made threat privately to the parties that he would discontinue his efforts, if the needed cooperation was not forthcoming for resolving the crisis (22). The effect was good, the two Super Powers, it was reported, had not only persuaded De Cuellar to continue his efforts but also had assured their cooperation (23).

And thus he was able to solve two problems, one to ward of allegations that he was working for the Soviet Union by the US, and Soviet Union's, allegation that he was acting at the behest of the US and secondly to get the support of not only these two countries but also to get the support of concerned parties in solving the crisis. /

Further, building on his efforts the Geneva accord was signed on 14th April 1988, and it may be noted that it was the first time that US and USSR had become co-gaurentors of an agreement negotiated under the auspices of the UN Secretary - General (24). The accords, known formally as the agreements on the settlement of the situation relating to Afghanistan, consisted of four instruments : -

- i. Non interference and non intervention by the parties in each others affairs
  - ii. The withdrawal of Soviet troops from Afghanistan
  - iii. The voluntary return of refugees
  - iv. The modus operandi (25).
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22. New York Times, 22nd June 1983.

23. Ibid

24. De Cuellar n.8, Page - 172.

25. UN - n. 15,- Page 317

And as soon as the Soviet withdrew their troops in February 1989, the fighting between the various groups had escalated and (UNGOMAP) United Nations Good Offices Mission in Afghanistan and Pakistan, were unprepared for such turn of events. And Perez De Cuellar after having tried unsuccessfully to bring ceasefire, felt that solution to the crisis have been hampered by countries neighbouring Afghanistan along with lack of consensus at national and International level(26).

But Perez De Cuellar in his annual report of 1990 to the General Assembly claims, that he had strived to get the consensus and seems to have received, some positive indication from the concerned parties about a political solution. (27) But unfortunately till the end of his tenure he was unsuccessful in bringing peace to this part of the world by his 'good offices' function.

In March 1990, Perez had tried to impress upon the signatories of the Geneva accord that 'more needed to be done for the implementation of the Geneva accord, but was unable to obtain the consensus, for a further extension of UNGOMAP'S mandate (28).

And his failure to resolve this crisis may be attributed to the lack of support from countries neighbouring Afghanistan, and perhaps he was hinting at Pakistan when he had attributed a similar reason in his annual reports(29). And it may be noted that Pakistan was signatory to the Geneva accords. And it is also possible that Soviet Union with her own domestic problems was unable to give much cooperation to resolve the crisis.

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26. De Cuellar n.8, Page - 219

27. Ibid - 275

28. UN, N.5, - Page - 323

29. De Cuellar n.8, P. 276 - 77.

UNGOMAP's mandate ended on 15th March 1990. Thus it may be concluded that the Perez's involvement in Afghan crisis as the Secretary - General of the UN was successful in the first phase, when he was not only able to bring the parties to the table for negotiation but was also successful in making the Super powers Co gaurnters for the first time.

But he was unsuccessful in the second phase of this crisis, as his 'good offices' could not do much to stop the civil war and, he, it is felt could not act primarily because of the lack of concurrence from the parties concerned, but it is important to note here that the International situation was in a flux, Soviet Union was in the verge of disintegration, Pakistan was not cooperating in finding the solution and was not only sheltering some Afghan groups but was also supplying arms to them. USA showed disinterest in the region. Under such circumstances the job of the Secretary - General becomes very difficult as the basic prerequisite of peace keeping are absent ie, consent concurrence and cooperation.

#### NAMIBIA (INDEPENDENCE)

##### Background

Namibia formerly South west Africa was annexed by Germany in 1884, after the first world war it was mandated to Union of South Africa in December 1920 by the permanent mandates commission of the League of Nations. But after the second World War when the League's permanent Mandates commission was taken over by the Trusteeship Council of the UN, the South African Government questioned the validity of the UN Trusteeship Council, and incorporated South West Africa as fifth province and stopped submitting the annual reports to the UN in 1948 (30).

And it was only in 1960's the UN took strong resolution, in October 1966, revoking the mandate declared that South West Africa would now be under the direct responsibility of the UN. This was done by passing the resolution 2145(XXI) in the General Assembly. And another resolution in the next year 2248(S-V) established the UN council for South West Africa, which was "to administer South West Africa until independence with the maximum possible participation of the people of the Territory" (31).

Further in 1968, the territory was named "Namibia", by the resolutions 264(1969) and 269 (1969), the Security Council endorsed the action of the General Assembly (32).

But South Africa, did not show any change in her attitude and continued to pursue its own plans for the territory. And the UN on its part continued its efforts for the independence of Namibia, on 29th September 1978, Security - Council <sup>passed the</sup> resolution 435, which laid the framework on which the Namibian Independence was to be secured. It is important to note here that the resolution 435 had established the definitive plan for Namibian Independence(33).

In July 1982, Javier Perez De Cuellar received the text of "Principles concerning the constituent Assembly and the constitution for an independent Namibia" from the negotiating government and the various groups in Namibia. But inspite of Perez own initiatives, the implementation of the resolution 435 was hampered by a parallel issue, (which was linked) with the withdrawal of Cuban troops from Angola(34).

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31. Ibid - Page 344

32. Ibid - Page 344 - 45

33. Ibid - Page - 348

34. Ibid - Page - 350

And Perez De Cuellar commenting on the deteriorating situation in the region observed that Namibia was regional problem but having grave potentials of a threat to international peace, as early as 1983 - 84. (35)

But Perez kept up the negotiations between concerned parties through his representatives and by 1987, his active involvement and the international situation helped in moving forward with the peace process in conformity with the Security Council resolution 435, 1978(36).

And by 16th January 1989 the Security Council had affirmed the date of implementation of the independence process as 1st April 1989, which was adopted by the Security Council resolution 629 by a unanimous vote, and thus UNTAG was established (37). By which the Secretary - General received the authorisation to overlook the implementation of the plan for Independence of Namibia.

The role which Perez was to play in the implementation of UNTAG, had never been carried out by any previous Secretary - General of the UN. And though some of the tasks he was to perform, like drafting of electoral law and organisation of police force had the potential of creating a deadlock in the peace process, it was the personality of Perez, with calm and patient attitude, with a strong commitment, helped him to carry on this assignment with a degree of success, particularly when all these activities had taken place under the search light of public scrutiny.

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35. De Cuellar n.8, - Page 22 - 23

36. Ibid - Page - 144

37. UN, n.8, - Page 350

But he faced a daunting task of preparing the military component of UNTAG. The problem he faced was that the permanent members of the Security Council had expressed serious concern at the size and cost of military component, and on the other hand the OAU (Organization of African Unity,) Non - Aligned Countries and SWAPO (South West African Peoples Organization ) had expressed their strong opposition to reduce in its Size(38).

He tackled this problem by recommending to the Security - Council on January 23, 1989, that the cost of UNTAG should be realised in accordance with article 17(2) of the Charter, which meant that the expenses of the Organization would be borne by the member nations. Perez also recommended that the General Assembly could establish a special account and the assessment could be levied on member states. This was accepted by General Assembly on 3rd March 1989 by the resolution 43/232, (39).

And when Perez De Cuellar administered the Oath of office to Sam Nujoma after he was elected the President of Namibia, it was the recognition of the UN's new role in the UN peace keeping operation and the effective role of Perez De Cuellar (40).

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38. UN, n.8, - Page - 350, 51

39. Ibid - Page - 355, - 58

40. Times of India New Delhi, 23rd March 1990.

Thus inspite of UNTAG being a first UN peace keeping operation of its own kind, it was successful, because of the continious support from the Security Council and the continious support from the Security Council and member states, with needed financial support to the Secretary - General, and because the Secretary -General Perez De Cuellar was able to strike a delicate balance between his 'good offices' role and the modalites set out by the Security - Council. It is important to note here that Perez was able to get the necessary co - operation from the permanent members because of the favourable international situation, as all the member nations were committed to the task, which it is claimed is 'the' important factor in such UN operations (41).

#### The Rainbow Warrior Dispute

##### Background

The dispute was between NewZe land and France. The conflict arose between these two countries when a Dutch citizen was killed by French agents aboard the ship Rainbow Warrior. Which was demolished as it was intending to make itself hostage to French Pacific Nuclear tests in Muraroa Atoll (42).

And, two French agents were captured by Newzeland authorities and were sentenced for ten years. As a result the dispute assumed such a grave proportion that it threatened to thwart the European common market operations as the French had started retaliating against Newzeland's agricultural products (43).

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41. Thomas M Franck ; n. 12 , Page - 86

42. Ibid - Page - 81

43. Ibid - Page - 82

And on 19th June 1986, the office of the Secretary - General was approached by the two parties, by making a written submission in which they outlined the problem, the elements of a solution they had already negotiated, and indicated, remaining aspects of the dispute which they had been unable to resolve. They also had agreed to accept his decision as binding (44).

This was by no means an easy task as his solution would have to be in concurrence with the earlier agreed draft. He was able to formulate a proposal which was appreciated and criticised but was much more acceptable because, the office of the Secretary - General is respected for its neutrality and integrity. Thus such role of the Secretary - General, have the potential for not only arbitration but also of legitimization.

This may set a good precedent, but it can be only possible and successful, where the parties agree in advance to abide by his proposal, which is quite unlikely to happen where the states of not only the concerned parties but also of other nations who may be affected are large. The issue could be on the Security perception or trade, etc.

#### IRAQ - KUWAIT WAR

##### Background

Kuwait became independent on 19th June, 1961. Iraqi Premier Abdul Karim Quasim, in broadcast over Radio Baghdad, challenged Kuwait's independence and revived Iraqi sovereignty over it. And next day the Iraqi government presented a memorandum to all the diplomatic missions in Baghdad upholding its claim over Kuwait (45).

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44. Ibid - Page - 82

45. A.H.H. Abidi and K.R. Singh (edited) The Gulf Crisis (Lancer books New Delhi 48. 1991) Page - 9.



(84)

The tension continued between these two countries and Iraq, always seemed to be looking for an opportunity to capture Kuwait as on March 1973, when Iraqi troops occupied and erected military instalations in the Kuwait outpost at Al - Samita (46).

And on 16th July 1990 Tariq Aziz Iraqi Foreign Minister delivered a letter to the League of Arab States Secretriat in Tunis, charging Kuwait and the (UAE) United Arab Emirates with "direct aggression" against Iraq. Complaints included encroachment on Iraqi territory, "Oil theft" and excessive oil production (47).

And on the above pretext, Iraq invaded Kuwait on 2nd August 1990. The United Nations immediately responded by passing the resolution 660, which called for unconditional withdrawl of Iraqi forces from Kuwait to the original border as on 2nd August 1990 (48).

Every Secretary - General has been a recipient of both praise and criticism. Javier Perez De Cuellar too had his share of both praise and criticism. If Perez's role in resolving Iran Iraq crisis has been appreciated by majority then, he has been defending his position and his role in the Iraq - Kuwait crisis.

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46. Ibid - Page - 12

47. Ibid - Page - 15

48. Ibid - Page - 20

It has been felt, by many that out of the 12 UN Security Council resolutions (49). There were two resolutions 664 and 674 (50), under which, the Secretary - General Perez could have taken some strong steps or used his diplomatic skills to use his 'good offices' to help in release of hostages and to make clear to the world the condition of the Human Rights abuse, by which a strong international opinion could have been generated to pressurise Iraq to withdraw from Kuwait by non-coercive means by giving, more time for such means, which could have restricted the military objectives of the UN resolutions.

Further when he did attempt to use his 'good office', he had to face failure as he had opted to visit Iraq - after the UN Security Council had passed the resolution 678 which had the potential for an interpretation for a collective action by use of force to evict Iraq from Kuwait, and which obviously would not have been liked by Iraqi Government (51).

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49. Document UN New York Department of Public Information. Security Council Resolution :. 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, 677, & 678.

50.-Resolution 664: It said; Iraq is directed to release all foreign nationals in Kuwait and Iraq.

----- Resolution 674 :. Held, Iraq liable for war damage and economic loses, asks for evidence of Human Rights abuse by occupying forces; demanded release of all hostages.

51. Document UN New York Department of Public Information. Security Council Resolution :. 678; issued an ultimatum to Iraq to comply with all previously promulgated resolutions by 15th July 1991, failing which, member nations allied with Kuwait would be authorised to use all necessary means to evict Iraq from Kuwait.

And Perez is also accused of not making public the report he gave to the Security Council in which it is reported that the President of Iraq had stated that he was willing for a compromise(52).

But why didn't Pérez De Cuellar use his power under article 99, when the Multinational forces were clearly overstepping the mandate of the Security Council ?

This is a question which was and will be debated, whenever the role of the Secretary - General in the UN peace keeping operations is discussed. It is an established fact that the Secretary - General of the UN under article 99 has enough powers to undertake a wide range of political and diplomatic activities.

Further this article may assume a significant role when all the members of the Security Council fail to take an initiative and under such circumstances if the Secretary - General brings a matter to the attention of the Security - Council whereupon the President of the Security Council shall call a meeting under rule 3 of the Security Councils provisional rules of procedure.

But, even if we were to assume, that De Cuellar had brought the matter to the councils attention, it is important to note that a debate or even conveneing of the meeting rests with the President of the Security Council.

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52. Times of India Delhi 11th February 1991.

(87)

And though the wording of the rule 3 of the Provisional rules of procedure of the security council says, " Shall call a meeting it does not provide that whether it is to be done immediately or at his convenience, this has been pointed by an expert on the UN as : -

*" since the President of the council has descretion, to set the time of meeting, work of the council would be brought to a halt if the president for the month were to capriciously to flout the wishes of his colleagues" (53).*

And thus Javier Perez De Cuellar by not invoking the article 99 perhaps had tried to avoid the untenable situation of not being supported by the council, had he raised the issue of Multinational forces exceeding the mandate of the Security Council's resolutions.

And as Javier Perez De Cuellar himself once said.

*"Difficulties can arise if there is disagreement amongst member states about how a resolution is to be interpreted ..... and with different perception, and values and the existing political environment, the power delegated to the Secretary - General do not always provide the answer" (54).*

He further says : -

*"that all he can do is to interpret as faithfully as he can the directives of the competent bodies and the right and obligation of the United Nations under International Law"(55*

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53. Sydney Bailey. D, The procedure of the UN Security Council (Oxford Claredon press 1988) Page - 39.

54. Javier Perez De Cuellar in; Roberts Adam (ed.) n. 12, Page - 647

55. Ibid - Page - 647 - 48.

And De Cuellar indeed carried out his duties faithfully but found it difficult to pursue them in some crisis. And it may be noted that the end of cold war had transformed the entire gamut of world politics which had also altered the power balance, which is reflected in the UN's functioning. And the unavailability of cooperation and concurrence from the Security - Council and also from the member nation was but natural.

Thus it may be concluded that though the Secretary - General of the United Nations has enough powers under the Charter to resolve a conflict or to thwart a tense situation escalating into war, there are limitations attached to it as was evident in the few crises in which Perez as the Secretary - General of the UN was involved.

But it was also during his tenure there were series of successes for the UN and as Edward Luck, President of the UN association of USA, said,

*"the UN just seemed to have one thing after another going its way. People went from thinking the UN could do nothing to thinking it could do everything " (56).*

And when "in 1988, the UN peace keepers won the Nobel Peace Prize euphoria coalesced around Perez De Cuellar". (57) Thus even if there are limitations internal and external they can be overcome, if there is a sense of responsibility, commitment to the Charter principles, with the qualities of patience and perseverance in the personality of the Secretary - General.

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56. The Asian Age 17th April 1994

57. Ibid

And along with these qualities (or by the use of these traits) if there is consent, cooperation and concurrence from the concerned parties with the full cooperation of the Security Council and members of the UN the success of all the UN operations in the realm of peacekeeping is assured.

But the one important aspect which infact is 'the initial factor in the UN peace keeping operation is the 'period' in which a Secretary-General's initiatives and function can be successful, or failures as B. B. Ghali says, " *If I would have been of the period of Waldheim or the period of Perez De Cuellar, I would have done exactly the same .....so very often it is a period that creates the man*" (58).

Thus the assesement of the role, of the UN Secretary - General indicates, that since 1945 the utility of third parties neutrals in the peaceful settlement of various disputes through the office of the Secretary - General of the UN has a record of successes and failures.

Further, the fact the UN and office of the Secretary - General is still active and is sought after in resolving inter-state disputes and conflict, proves the need for its existence today and in future.

And in contemporary global politics the Secretary - General has to play an important role and which is also highly desireable. The office of the Secretary - General has been a growing institution and is in the interests of human race, and as the range of human problems in the economic, social and political areas increase it becomes increasingly important that the Secretary - General should be a spokesman for the developing, poorer and smaller countries of the world.

Thus in future the effective role of the Secretary - General will depend on his own personality as well as on the global situation and political support of member nations in the United Nations.

(90)  
CONCLUSION

The office of the Secretary - General from the League days has changed in the terms of power and responsibility. And, inspite of this office being a sub - organ of one of the six organs of the United Nations, ie, of the Secreteriat, its power and activity are such that it is associated with all the six organs.

And as a result of which the incumbents to this office have had the opportunity to play a very important role in the international situations. The Secretary - General's of the UN have been confronted with numerous types of crises and a search for solution or the technique used, has varied from one crisis to another, and also from one Secretary - General to another Secretary - General.

Further, it can be said that the prominent reason for the Secretary - General of the UN to have performed important role has been due to his political role which is closely associated with his explicit and implied powers under the article 99 of the Charter. And interestingly this article 99 has undermined the idea of the framers of the, Charter who had tried to undertone the power of the Chief administrative officer of the UN, by deciding to choose a conventional term Secretary - General instad of 'moderater' ~~or~~ 'Director - General'.

And, each Secretary - General of the UN have contributed their mite in the growth and recognition of this office. They have also set some precedents both good and bad. Their activity during their functioning as the Secretary - General have shown the strength and weakness and alongwith it the instruments which are at, the disposal of the Secretary - General for him to play a constructive role in resolving a crisis. It has been seen that in almost all the crisis in which the Secretary - General have played a significant role, can be successful or unsuccessful depending upon various factors like the global political environment, the support of the Security Council and members of the UN and the perosnality of the incumbent.

Thus, these factors are necessary for the successful functioning of the Secretary- General. They have at the same time played an important role in his election as the Secretary - General of the UN. Another significant factor which is involved in the election of the Secretary - General, and which was perhaps prominent, in Perez De Cuellar election was his experience in the international civil service and particularly in the UN.

And Javier Perez De Cuellar in his two terms as the Secretary - General of the UN, has been elected due to his performance in the international relations in various capacities in different parts of the world, and by his sense of responsibility with a strong commitment to the Charter principles.



Interestingly, he also believes that the UN can be used as a forum where the developing countries can assert their right to ask the developed countries to help them in their development, as he had said in an interview,

"We have to further our own development in a bid to break of dependence. But that done we have right to ask developed nations to assist us. Asking them is a right since our own development will stimulate others" and he further adds that "This international body"can be used" as a forum for conforing diverging positions,for "ventilating problems"(1)

Further he was very well aware of the political leanings of its member governments. And even at the time when, the two super powers had come together to dismantle some of the dangerous weapons of our time, and which was hailed by many as, Neo-Detente, he had maintained that it is too "fresh and fragile"(2). Which clearly reflects his cautious and responsible reaction to the changes in the global situation.

And his commitment to the UN Charter principles has been seen in various crisis situation and he also on his own had asserted : -

" I firmly believe that to be workable, post-cold strategy must be based on principles that are clearly understood objectively commendable and universally applied.....we do not have to embark on a search for these principles. They are lucidly formulated in the Charter of UN ",(3).

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1. Bangladesh Times DACCA. 31st January 1982.

2. M.S. RAJAN; The future of Non Alignment and the Non aligned movement, some reflective Essays ( Konark Publication N.D. 1990) - Page 33.

3. Telegraph ( Calcutta) 6th December 1990.

The role of the Secretary - General in the UN peace keeping operations have mostly earned them criticism than praise. But each successful or unsuccessful involvement have been a process of learning for each Secretary - General, and upon which the future Secretary - Generals could act with prudence.

And Javier Perez De Cuellar's role in the UN peace keeping operations have earned him both praise and criticisms. His successful negotiation in resolving the Iran - Iraq war, the smooth withdrawl of Soviet troops from Afghanistan, Cuban troops from Angola and the successful completion of supervising and conduct of election in Namibia and similar role in Haiti, reflects the effective use of peace making and peace building, and peace keeping functions by the Secretary - General.

But, his efforts in Afghanistan after the troops withdrawl and his role in Iraq - Kuwait war have earned him severe criticisms for his failure to use his 'good offices' in resolving the crisis. But, it may be noted that the Iraq - Kuwait war was not a Security - Council' sanctioned war, as it did not had the UN flag or UN uniform, and it was only perceived to be UN sanctioned operation because of the vaugeness of resolution 678.

But his two terms in this office have produced positive results in various fields of the UN activity and particularly in the peace keeping operations. At a time when there was a severe financial crisis in the UN and major changes in world political situations, by the personal qualities like his sense of responsibility prudence, commitment and integrity, he was able to gain support from the member nations to carry out the 'basic objectives' of the United Nations.

And since international relations are bound to have conflicts of some kind or other due to the imbalance in the socio - economic conditions of the nations, a look at the history of international relations would reveal that some kind of international organ has been always desired by the nations of the world to resolve conflicts and to bring a balance in the Social and Economic condition of the nations.

The United Nations in its 48 years of existence has proved its need and the office of the Secretary - General with the pulls and pressures of international relation has still to play an important role in world politics, as the 'Chief' of the United Nations and in future the Secretary - General's role will largely depend upon the incumbents personality and the support of member nations political and financial, which will be decisive in fullfilling the UN objectives.

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